THE SCOTS MAGAZINE.

MAY, 1781.

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PARLIAMENT. [185.]

IN the House of Lords, Feb 15. was read a second time the bill "to dissolve the marriage of William Gooch, Esq; with Elisabeth Gooch his wife, and to enable him to marry again." It sets forth, That Mr and Mrs Gooch intermarried in 1775, and cohabited together about three years, and had two children, and no other child, viz. William-Thomas and Henry-Robert. It then proceeded to state the marriage-settlement, which was executed previous to the marriage, on the 11th of May 1775: That in the beginning of the year 1778, Mr Gooch having reason to be dissatisfied with the conduct of his wife, discontinued to live with her; and ever since that time they have lived separate and apart from each other: That in the latter end of 1778, Mrs Gooch entered into an unlawful familiarity and adulterous conversation with M. Debried, at Calais, and afterwards, at St Omer's, with the Baron D'Artaud, an officer in the regiment of Cuirassiers, in the service of the French King, and hath ever since continued in such unlawful familiarity with the said Baron D'Artaud, or other persons, subjects of the French King; and particularly the said Elisabeth Sarah Gooch did, in 1779, carry on the like unlawful familiarity with M. Dumesnil, an officer in the regiment of Berry, then in garrison at Boulonge, and with Jean Francois Chevalier De Bissou, an officer in the regiment of La Farre, subjects of France: That

That the ſaid William Gooch exhibited a libel in the conſiſtory court againſt his ſaid wife, and on the 13th of December 1780, obtained a definitive ſentence of divorce from bed and board againſt her, for adultery committed by her with M. Dumeſnil and the Chevalier De Biſſou. The bill then recites, That the ſaid Eliſabeth Sarah Gooch hath, by her ſaid adulterous behaviour, diſſolved the band of marriage on her part, and that William Gooch, the huſband, ſtands deprived of the comforts of matrimony, and may be liable to have a ſpurious iſſue impoſed on him unleſs the ſaid marriage be declared void.—It then prays the uſual relief in ſuch caſes, in a variety of enacting clauſes.

Several witneſſes were examined; after which the Houſe adjourned.

On the 19th, when the examination of the witneſſes was over, the Lord Chancellor roſe, and condemned in the ſtrongeſt terms the practice of giving way to bills of divorce by colluſion between the parties. He ſaid that it was a practice which, if encouraged, would diſſolve the ſtrongeſt ties of ſociety, and was equally contrary to the political, moral, and religious intereſts of the community, and tended to produce a general depravity of manners. The caſe of Mr Gooch might be, and he believed it was, a pitiable caſe; but he could never conſent to give way to ſo dangerous a precedent as an agreement to procure a divorce. If the queſtion, whether the bill ſhould paſs, was to be decided now, he certainly ſhould ſay, Not content; but as he knew ſome Lords were of a different opinion, and as he thought this was a caſe that ought to be decided in as ſolemn a manner as poſſible, it might be proper to poſtpone it for a week, that the Lords might have time to conſult authorities, and form their opinion.

A motion to adjourn the further conſideration to Monday, was made by Lord Galloway, and agreed to.

The Biſhop of St David's, Feb. 26. ſaid, he had paid particular attention to the evidence, and ſaw very good reaſon for differing in opinion from the ſentiments which the learned Lord had expreſſed on Monday laſt. He informed the Houſe, that the evidence did amount to a proof of Mrs Gooch's CRIMINAL CRIMINALITY *antecedent* to any conſtructive colluſion that had been adduced between the parties. The wife's ſcandalous and profligate conduct had been fully proved; but on the part of the huſband there had not been the ſmalleſt deviation from conjugal fidelity. He thought it would be particularly hard, where ſo much guilt appeared on one ſide, and ſo much virtue on the other, that becauſe the wife wiſhed to be ſeparated, the huſband ſhould be bound to continue in matrimonial bonds, and puniſhed for her proſtitution. He concluded with moving, "that the bill be committed."

The Lord Chancellor then took a view of the evidence according to his own notes, in which he argued, that the proof of CRIMINAL CRIMINALITY was *ſubſequent*, not to the *conſtructive*, but to the *abſolute* colluſion of the parties. This his Lordſhip was inclined implicitly to credit, becauſe the correſpondence of the agent; the teſtimony of the witneſs, that ſhe was hired by the parties to ſee and prove the fact; the ſending over a ſervant of the huſband, to aſſiſt the ſervant of the wife, with the concurrence of both maſter and miſtreſs; all tending to an abſolute evidence of that colluſion which deſtroyed the intent of the legiſlature in caſes of divorce; all theſe, his Lordſhip ſaid, were *antecedent* to the proofs of adultery. There was another circumſtance, however, which made a farce of the whole buſineſs, and was an high inſult to the Houſe. The counſel for and againſt the bill were both paid by the *one party*. The defence, therefore, he ſaid, was a mockery on the wiſdom of their Lordſhips, and deſerved the ſevereſt reprehenſion. Thus far his Lordſhip proceeded as to the legal reaſon againſt committing the bill. He then entered on objections founded on divine and moral law. He ſaid, that the applications to parliament for divorces ſince he ſat in each Houſe, were mere bargains, previouſly made between man and wife for a wanton abjuration of that oath of matrimony, which they had ſolemnly proteſted before their God in the moſt awful manner, never to break. His Lordſhip was of opinion ſome other tribunal ſhould be ſet up, to which appeals of this kind ſhould be made, where matters of divorce might be thoroughly inveſtigated, and the chain of evidence particularly examined: for into parliament abuſes innumerable had crept—ſuch abuſes as in thoſe caſes were a ſcandal to the conſequent deciſions. In the preſent caſe

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his Lordſhip was clearly of opinion, that there were ſufficient reaſons to diſmiſs the bill. It was true, he obſerved, that the conduct of the wife was not only an open violation of decency, but a ſcandalous proſtitution of her perſon. But it however appeared, that this *open* violation, this *ſcandalous* proſtitution, were *ſcandalous* and *open*, merely to afford proof of conjugal infidelity. The amours, otherwiſe, would have been kept ſecret. The adultery was manifeſted to the ſervants, merely to bring proof that might induce parliament to grant a divorce. This, in itſelf, although there was antecedent adultery proved, was, in his Lordſhip's opinion, ſufficiently legal to warrant their Lordſhips diſmiſſing the bill. His Lordſhip then addreſſed himſelf to the Houſe in a very particular manner; he mentioned, that he was happy in having poſtponed the determination of this very ſerious affair, that their Lordſhips might maturely weigh every circumſtance: but that in his own mind, he was ſo thoroughly convinced of the impropriety, not to mention the illegality, of permitting the bill before their Lordſhips to be committed, and to him the granting the prayer of the petition ſeemed to carry ſuch an alarming conſequence, or rather ſuch an invitation to frequent divorces, that if their Lordſhips determined in favour of the bill, he was reſolved, in future, never to interfere in any ſimilar application that might be made to the Houſe, but to let the divorces take their former ſcandalous courſe.

The Biſhop of Rocheſter ſaid, that the arguments of the learned Lord had ſo thoroughly convinced him of the danger, the impropriety, and illegality of acceding to the prayer of the petition, that he ſhould certainly give his diſſent to committing the bill.

The Houſe then divided; and the Biſhop of St David's motion for committing the bill was carried by a majority of 1.

On March 12. in a committee on this bill, the Lord Chancellor obſerved, that after the moſt mature deliberation in his own mind of all that could be adduced againſt the bill, he was ſtill of opinion that the Houſe ſhould reject it *in toto*. His Lordſhip ſtrenuouſly inſiſted, that the evidence before the Houſe brought to light a palpable colluſion between the parties; and that in juſtice, and in law, that was ſufficient to ſet aſide the relief prayed for. He then adverted to the bargains that hitherto have been entered into for the purpoſes of obtaining legal ſeparations: *ſeparations* he called them, becauſe he was confident of more inſtances than one, in which that ſhameful —that *obſcene mockery* of juſtice, had been practiſed at their Lordſhips bar. To prevent ſuch in future was his aim; nor had he taken up that reſolution on light grounds — no, he acted from the ſtrongeſt conviction, ſupported by incontrovertible evidence, that it was his duty to do ſo — and not more ſo in any inſtance than in the one then before the Houſe. His private friendſhip, or his private feelings, ſhould never ſway his conduct in public. Whatever opinion he entertained of Mr Gooch, whom he knew, as far as circumſtances abroad convinced him, to be an injured man; yet that knowledge not agreeing with the evidence now given, he would oppoſe what was deemed to be the happineſs of his friend, becauſe he thought by acting otherwiſe, he ſhould do an unjuſt act to his public truſt. Having ſaid thus much of himſelf, his Lordſhip next took a view of the clauſe which propoſed the ſettlement of 300 l. per annum on Mrs Gooch, 200 l. of which ſhe was now to enjoy, and the remainder at the death of her mother. This, his Lordſhip ſaid, was in all conſcience too great a reward for the Houſe to allow a woman for proſtitution. He ſaid there were other objects more deſerving the care of the Houſe: her children, who, by admitting the preſent proofs of their mother's ſhame, became in a manner baſtard-bred, or at beſt ſuſpected, although born in wedlock. Theſe called for the attention of the Houſe; and on theſe the fortune which Mrs Gooch brought her huſband ſhould be ſettled. They were to be left innocent victims to the caprices of a man who poſſibly might marry again, and who, with a more virtuous wife, might have children better intitled to his love. They had a claim by nature to their mother's fortune; and on them it ſhould be ſettled. Nothing, he ſaid, would more effectually put a ſtop to a practice that was diſgracing the religious and civil rights of this country, than the Houſe diſcountenancing all applications of the preſent kind. His Lordſhip then declared, that he would ſay *non contenz* to every clauſe in the bill.

Lord Abingdon ſaid, that the only information he had upon the ſubject, was from a reverend prelate whom he had ſeen that morning; in conſequence of which, he then roſe, unprepared as he was, and which he hoped the Houſe would excuſe, to deliver his ſentiments. His Lordſhip then proceeded to ſay, that he was for paſſing the bill; in which he was actuated by no private reaſons, but the public and general ones: that private and particular reaſons did not belong to the conſideration of the legiſlature, or of that Houſe, but that public and general ones did; that in Weſtminſter hall it might be argument to ſay, that this cauſe had been carried on by covin and colluſion, and therefore that it ought to be diſmiſſed; but in that Houſe the only queſtion was, is it an act of policy, not for the ſake of the man and woman at the bar, but for the ſake of that principle, that that man and that woman ſhould be ſeparated? That in his ſenſe of things it was, and for this reaſon, that the firſt and fundamental object of all government being population, whatever led to that, ought to be encouraged, whatever counteracted it was to be diſcouraged. Did their Lordſhips ſuppoſe, that by keeping the man and woman at the bar together, that they would add to the population of this country and increaſe the number of his Majeſty's ſubjects? Certainly not; and if not, they counteract what ought to be the firſt object of their policy, and in ſo much injured the ſtate. But it is ſaid, ſeparate this man and this woman, and don't let her marry again. That this reſolution was worſe than the other; for by this means, ſhe is not only cut off from all chance of lawfully adding to the population of the country, but is forced perhaps, by a kind of natural neceſſity, into thoſe acts of fornication and whoredom, which experience ſhews are inimical to population. It was therefore, for theſe reaſons, that his Lordſhip was for the paſſing of the bill, and not for the reaſons that had been ſuggeſted by the Noble Lord. That *meum* and *tuum* were private conſiderations, not be regarded in that Houſe, as in Weſtminſter hall; here the policy of every meaſure was to be conſidered, and not private reaſons operating on private perſons. His Lordſhip added, that it was for theſe reaſons he preſumed, that the conduct of the reverend prelates was actuated, and that he was glad of it; for I rejoice to ſee, ſaid his Lordſhip, that we have no Popiſh Monks and Friars, but Proteſtant Biſhops among us, who following themſelves that great fundamental of their religion, "*increaſe and multiply*," ſay likewiſe to their flocks, "*Go ye and do the ſame.*"

The Lord Chancellor then deſired the clerk to poſtpone reading all the clauſes until he came to the main one, which was, for annulling the marriage; and this being done, the committee divided, and there appeared, for annulling the marriage, Contents 13. Non Contents 14. majority againſt diſſolving the marriage 1.

The Commons, March 14. having reſolved themſelves into a committee of ſupply, Lord North roſe to propoſe the new taxes. He ſaid, to impoſe freſh burdens upon the people was undoubtedly an ungracious taſk; and it was not more grievous to the public to bear the weight of taxation, than it was diſagreeable to him to make them feel it: Nothing but neceſſity could force him to it; and as the exigencies of the ſtate required ſubſidies, ſo he muſt, however reluctantly, propoſe them. It being neceſſary, therefore, to impoſe new taxes, he had made it his ſtudy to ſelect ſuch as ſhould be equally felt by the public at large, and ſhould be productive and efficient, without being oppreſſive to any particular claſs of the community.

The firſt object that promiſed an efficient tax was the exciſe. He propoſed an additional five per cent. on all exciſeable commodities, except beer, ſoap, candles, and leather. His reaſons for excepting theſe articles were, that they were neceſſaries of life, which if taxed, the burden would chiefly fall on that part of the community leaſt able to pay; in particular if the tax extended to beer, the brewer and publican would probably lay an additional halfpenny on every pot of porter, which would raiſe juſt one million a-year, and that million would go into the pockets of brewers and publicans, and not into the exchequer; he could not therefore think of expoſing the induſtrious part of the nation to ſo enormous a tax, when the ſtate would derive ſo ſmall a ſum from it as 37,000 l. Therefore, leaving out beer, ſoap, candles, and leather, this new tax would, from the medium accounts of paſt years, bring in 150,000 l.

The ſecond object of taxation was the cuſtoms. The manner in which the

cuſtoms

cuſtoms were paid, formed, he remarked, a ſyſtem the moſt complicated, and moſt hard to be underſtood, of any perhaps in the world of finance: and this difficulty and complication aroſe chiefly from diſcounts allowed for prompt payment: the merchant ſeldom knew what he was to pay, and the collectors of the cuſtoms loſt much time in making out the accounts; and made an incredible number of errors, particularly in the out ports. Several plans had been formed to remove the difficulties: to conſolidate the cuſtoms, had been one; and a book had been written, called the Book of Rates, in which a tolerable good attempt had been made for that purpoſe: but then this book was ſtill liable to errors; and in making out the various accounts it had been found neceſſary to decompound what had been compounded in the book. The plan of conſolidation was undoubtedly very deſireable; and he certainly intended to turn his thoughts that way: in the mean time, however, he would propoſe, if not to conſolidate, at leaſt to ſimplify the cuſtoms; and as full nine errors out of ten in the out-port accounts aroſe from the diſcounts, he propoſed that they ſhould be aboliſhed; and from their abolition he would draw a conſiderable revenue; which, though it ſhould take much money from the merchant, would, on the other hand, free him from a vaſt deal of trouble and inconvenience. The diſcounts were allowed by acts of parliament on four or five different branches of the cuſtoms: there was the firſt ſubſidy, the ſecond ſubſidy, the third ſubſidy, and the impoſts: theſe were as old, ſome as the reign of Charles II. ſome as that of William III.; and diſcounts were allowed upon them all: now if theſe diſcounts ſhould be aboliſhed, the commodities muſt neceſſarily riſe in their prices to the conſumer; tobacco 17 per cent.; tea 11; and none leſs than 4; and conſequently muſt produce in that ratio to the exchequer. On wines it would produce upwards of 4 l. per ton; and taking the quantity of wine imported annually at 15,000 tons, the ſums ariſing from the abolition of diſcount on that article, would amount to upwards of 60,000 l. a-year. The quantity of tea imported annually was 5,120,000 lb. weight; that of tobacco 8,500,000 lb. From the abolition of diſcount therefore upon all theſe commodities, there would ariſe a certain revenue, if the conſumption ſhould not decreaſe, of 167,000 l. a-year. There were ſeveral regulations which he intended to introduce into the bill that ſhould be founded on the reſolution of the preſent committee, which would be found highly beneficial to the public. The India company were allowed diſcount for what was called *prompt* payment; but which, in fact, was very far from it. The company had two great ſales, one from March 1. to Sept. 1.—the other from Sept. 1. to March 1. and they were not called upon for payment of the duties till the expiration of three months after the ſale; ſo that in fact they had three months for paying them. He therefore would make a regulation that they ſhould pay promptly; and he was ſure that they could not but be ſatisfied with it, as they allowed but three months to thoſe who bought from them, to pay their reſpective debts to the company. Another regulation he intended to introduce in the bill, was to aboliſh the practice, called *bonding*, at the cuſtom-houſe. There were three modes of paying there; one by laying down all the money at once: the ſecond, by taking away the goods and giving a triple bond, the principal and two ſureties, for the payment in eighteen months; and the third, by *warehouſing* the goods, and paying the duty, according as the owner took any part of them away. The ſecond mode he intended to aboliſh totally; becauſe it expoſed the revenue to conſiderable loſſes, as in the caſe of a Mr Browne, who in conſequence of a triple bond, got all his goods out of the cuſtomhouſe, and having ſold them, he ran away before the bond was due, and defrauded the revenue of no leſs a ſum than 24,000 l. The third mode was by far the more eligible for the revenue; for as the goods remained under the key of the cuſtomhouſe-officer till paid for, ſo it was not poſſible that the revenue could be defrauded.

Excluſive of the abolition of diſcount on tea, wines, and *tobacco*, his Lordſhip found, in the laſt article, a ſubſtantial object of taxation. During the war, it had been up ſo high as 3 s. a-pound, and the conſumption by no means decreaſed. It was now at twenty pence; and as it had been able to bring 3 s. for a certain period, it undoubtedly would be able to bear an additional duty of *ſeven farthings*; which, with the abolition of the diſcount,

diſcount, would make the whole of the new duty ſomewhat ſhort of *three* pence per pound. This new duty, therefore, of ſeven farthings a-pound, on 8,500,000 lb. of tobacco, would produce 61,000 l.

The next and laſt object was ſugar. It was an article of general uſe, yet was certainly a luxury. It was not like ſoap, beer, candles, and leather, without which it was impoſſible to ſubſiſt; it could not be claſſed among the neceſſaries of life. It was therefore a proper object of taxation. The duty was not meant to fall on the planter, it was always the object of government to eaſe the planter as much as poſſible. He was convinced the conſumer would pay the tax he ſhould propoſe. His Lordſhip ſtated the quantities of ſugar that had been imported ſince the year 1747; and ſhewed, that there was a gradual increaſe, till within the laſt three or four years. The decreaſe was to be accounted for by the loſs of the ceded iſlands, Grenada, St Vincent, and Dominica; and yet the decreaſe was conſiderably leſs than might have been expected from this circumſtance. The quantity of ſugar at preſent imported was 1,464,000 cwt. but he ſhould take it at no more than 1,400,000 cwt. he intended an additional duty of *four ſhillings and eight pence* the cwt. by which he was pretty certain he ſhould raiſe 326,000 l. This tax amounted to about *a halfpenny a-pound*, and though the ſeller ſhould add another, it would not probably raiſe the price ſo high as it had been once within theſe four years.

Another conſideration was, that Ireland would bear a part of this tax; as by the act which extended the Weſt-India trade to that country, it was ſtipulated, that the Iriſh parliament ſhould, in the ſpace of four months after their meeting, lay on ſuch additional duties as ſhould equaliſe thoſe impoſed by the Britiſh parliament.

Reſpecting wines, the abolition of the diſcount would not affect the public at large; for when parliament laid a penny a-quart on wines, the vintners very unjuſtly impoſed on the public a tax of ſix pence. The five per cent. laid laſt year on the cuſtoms, brought a ſecond penny into the Exchequer, and this year's would make a third penny; but this three pence is not taken from the public, for they pay it already, but from the vintners, who unconſcionably took ſix pence from the conſumer, when they themſelves only paid one penny to the legiſlature. It was fair therefore that the ſtate ſhould ſhare the ſix pence with the vintner. The tax could not be unacceptable to the public, as it was now an old one, which they paid voluntarily to the vintner, though not levied or authoriſed by parliament.

The different taxes made 704,000 l. a-year.

	£.
Five per cent. additional duty on exciſe,	150,000
Abolition of diſcount on cuſtoms,	167,000
Additional duty of ſeven farthings a-pound on tobacco,	61,000
Additional duty of 4s 8d. on every hundred weight of ſugar,	326,000
Total,	704,000
The ſum neceſſary to pay the intereſt on the loan of twelve millions,	660,000

There was of courſe the ſum of 44,000 over and above the neceſſary fund for the payment of the intereſt of the loan.

If the taxes produced the above ſums, he would carry the ſurplus to the ſinking fund; but there would be at leaſt a quarter's intereſt due before the new taxes could take place. This led his Lordſhip to ſpeak of the 190,000 l. that fell this year by the expiration of the 4 per cent. annuities. It was his intention to carry it to the ſinking fund, becauſe he had got taxes which freed him from the neceſſity of taking that ſum from the fund. With the addition of that ſum he rated the fund at 3,090,000 l. this year. He intended, however, to avail himſelf of that ſum to pay the firſt quarter's intereſt on the loan, which was not a diverſion of it from the ſinking fund, as that fund was pledged as a collateral ſecurity for the intereſt of the loan.

His Lordſhip concluded, by again expreſſing his concern, that the exigencies of the ſtate had obliged him to impoſe ſo great a burden as theſe new taxes. He then reduced his plan into the form of reſolutions, and moved one of them.

Sir Charles Bunbury condoled with the public on this great additional weight that was about to be laid upon them; but could not think with the Noble Lord that the taxes propoſed were the beſt, and the leaſt burdenſome to the people.

He

He ſaid he liked the ſervants tax, becauſe the public paid no more than came into the exchequer; but that could not be ſaid of wine, ſugars, &c. when a tax was laid upon theſe articles, the merchant raiſed double, perhaps ten times the duty impoſed, by which means it was the merchant, and not the ſtate, that was enriched.

Col. Barré complimented Lord North for his intention of reforming the cuſtoms, a buſineſs which he was aſtoniſhed had been ſo long neglected; but he would not vote a ſhilling of additional tax till the petitions from the counties, &c. praying for a redreſs of grievances, were heard and anſwered.

Mr Duncombe called upon the miniſter to comply with the petitions of the people, before he impoſed new burdens upon them; and ſpoke againſt the American war.

Col. Roberts made a ſpeech which drew the attention of the Houſe, and afforded ſome entertainment. He ſaid, in almoſt every debate, let the ſubject be what it would, the American war was introduced, and the Houſe were loſt in the labyrinth of the woods, ſwamps, and moraſſes of America. Miniſters were loaded with abuſe, and deemed the authors of all our misfortunes, for having occaſioned the American war, the war with France, the war with Spain, and laſt of all the war with Holland. As other gentlemen had given their opinion of the American war, he begged leave to give his opinion both of that and of the cauſe of all our misfortunes. He was convinced that miniſters did not bring on the American war, and equally convinced that our preſent misfortunes were not occaſioned by miniſters. He would tell the Houſe who had occaſioned both; they were occaſioned by two deſcriptions of perſons, one of which was dead, meaning the Oppoſition in the laſt parliament. That oppoſition, he ſaid, which had expired with the parliament, had, by their art and clamour within doors, and with the aſſiſtance of a large republican party without doors, been the authors of all our misfortunes. They had forced their country ſtep by ſtep into all its preſent difficulties. In the firſt place, they had *ſpirited up* America to be loud in complaints, and having at length involved us in a civil war, by their triumphant and indecent commendations of the conduct of the Americans, both within and without doors, which, inſtead of *rebellion*, they termed *a noble ſtruggle for their liberty*, made the Americans proceed, under the idea that the majority of the people of England were of the ſame opinion with themſelves, till they ſhook off their dependency. After that, they *encouraged* France to take the treacherous ſtep ſhe had taken, and then they did *the ſame* with Spain. Their next ſtep was, to *endeavour* to embroil us with Ireland; but the graciouſneſs of his Majeſty, his paternal regard for all his ſubjects, added to the wiſdom of parliament and the moderation of miniſters, interpoſed, and put a ſtop to their pious deſign. They next attempted to *excite* commotions in England, by calling meetings of the people in different counties, and prevailing on them to ſend up petitions to parliament full of complaints of imaginary grievances. Theſe petitions were called the petitions of the people of England, when, in fact, the people of England had nothing to do with them; for they were all ſet on foot by the ſame ſort of people. *They next formed* unconſtitutional aſſociations, and committees of correſpondence, with a view to awe and controul parliament; for if that was not their purpoſe, he did not know what was. All this had been done by the oppoſition in the laſt parliament, and the ſeditious republicans without doors; for the induſtry and ſucceſs of both theſe denominations of people, could only be equalled by their ſkill to contrive, and their capacity to do miſchief. He inſtanced *the conduct of the mob in June laſt as a proof of the ſort of government which the oppoſition of the laſt parliament wiſhed to ſet up.* Some of their out-door friends, he ſaid, inſpired with the ſame republican principles as actuated their minds, had taken the adminiſtration of diſtributive juſtice into their own hands, and the bleſſed effects were too recent to bear much comment. That Houſe knew, that if the *old government* had not employed the army to aboliſh the *new government*, the metropolis would have been deſtroyed; the event ought to ſerve as a warning to the Houſe to preſerve the conſtitution in its original ſtate, and to give way to no ſpeculative projections of alteration under an idea of reform.

Mr Sawbridge ſaid, that the Hon. Gentleman who ſpoke laſt did not underſtand his own meaning when he talked of re-

republican principles. This country was a republic, with a chief magiſtrate at the head of it; call him King, Emperor, or what you would, he was no more than the chief magiſtrate, the executive branch of government. That, he ſaid, was his idea of the Britiſh conſtitution, the beſt form of government in the world; and therefore, thinking as he did, the Hon. Gentleman might call him a republican, or what he pleaſed. He then went into a conſideration of the loan[142.], and charged Lord North with having made an offer of worſe terms for the public, than thoſe the loan was made upon. He ſaid, it was ſcarcely credible, that the Noble Lord, who was to borrow for the public, ſhould have offered terms, when his duty was to have heard terms, and then to have ſaid whether he would have agreed to them or not. The Noble Lord, he declared, had offered 150 l. 3 per cents. and a long annuity of 1 and a half per cent. which, at a moderate computation, would have made a *bonus* of 7 per cent. [Lord North ſhook his head, and ſaid, *No! No!*] Mr Sawbridge inſiſted upon it, and offered to prove it at the bar, for he had been told it by a perſon preſent at the offer. With regard to the taxes then propoſed, he ſaid, he could not give his conſent to them, becauſe his conſtituents had commanded him to agree to no vote of ſupply, till their grievances were redreſſed. He felt himſelf reſtrained by their petition, and therefore, knowing his conſtituents wiſhes, he ſhould comply with them.

Lord North roſe to anſwer what the honourable Alderman had ſaid, relative to his having made an offer of a long annuity of one and a half per cent. and his anſwer was, he flatly and directly denied the fact: he never had made any ſuch offer; the offer he made was a very different one.

Mr Sawbridge roſe again, but the Houſe groaning violently, he ſaid with ſome heat, that his veracity was not in queſtion, for he had ſtated before, that he was told ſo; and added, that his Lordſhip might have got better terms, if he had acted as he ought to have acted.

Sir Harry Houghton expreſſed his aſtoniſhment, that a gentleman of Mr Sawbridge's liberal principles ſhould avow ſo abject an idea as that of not acting according to his own ſentiments in that Houſe, but by the ſentiments of others, at their command, and under their reſtraint. He concluded with ſaying, that though the loan had turned out to advantageouſly, he was well informed that the money-lenders thought the terms very hard when the bargain was made.

Mr Sawbridge roſe in a great paſſion, and declared he was as independent as any man in that Houſe; and defied the Hon. Baronet, or any of his anceſtors, to be, or to have been, more independent than he was. He had no connection, and never would have any, with miniſters. He gloried in being the ſervant of his conſtituents; if the will and wiſhes of their conſtituents did not govern them within thoſe walls, they betrayed their truſt.

Sir Harry Houghton roſe again, and declared, that the Hon. Alderman had held language which he conceived to be abject and unparliamentary.

Mr Burke expreſſed his approbation of the taxes. He complimented the miniſter for the ſelection he had made; and ſaid, that in his opinion the Houſe had nothing to do at that time with entering into a conſideration how the neceſſity of ſuch taxes had been produced, or how they might have been avoided; if the fact was, which could not be controverted, that ſuch a neceſſity did actually exiſt then, all that was left for their conſideration, was to determine upon the beſt mode of removing or relieving it, without any objection for the original cauſe, or prior event whatever. Under this idea, therefore, ſtill, however, qualifying his conſent with an avowed and hearty deteſtation of the means by which this neceſſity was produced, he had no objection for the committee to go into the conſideration of the taxes; and, in the mean time, would content himſelf with ſaying, that he deemed theſe taxes better than if the miniſter had either had recourſe to the new ſubject of taxation, or if he had doubled an inferior one, which muſt have been attended with difficulty, and perhaps have terminated in ultimate inefficiency.

The reſolutions were agreed to without a diviſion.

Next day the Houſe heard the report from the committee, and agreed to the reſolutions; and leave was given to bring in bills to carry them into laws.

Lord

Lord G. Gordon's trial concluded [191.]

The PRISONER'S DEFENCE.

Mr Kenyon opened the prisoner's case with an excellent speech. He remarked on the misfortune of the prisoner in making his defence when the attention of the court and jury must be in some measure exhausted; he spoke of his agitation of mind, from the great stake the prisoner had at hazard, and from his own want of experience in criminal courts; he lamented there was such a phrase in our law as *constructive* treason; and he verily believed when the law was enacted, that the legislature had it not in their contemplation that the words constructive treason would find their way into the courts at Westminster. He adverted to the terms of great aggravation employed by the Attorney-General. He remarked with great acuteness and severity on the evidence of Hay, and went through all the rest of the evidence, resting greatly on the probability, that the rioters were a different set of men from the Protestant Association; and declared to the jury, that if they were to go out to consider of a verdict upon the evidence of the crown alone, they would conceive it upon such evidence too much to draw conclusions against the prisoner, which must lead to the infliction of the last punishment. He also relied greatly on what had not been proved: amidst the numerous prosecutions, had any individual, connected with Lord George, or belonging to the Association, ever been found obnoxious to the laws? None had. His Lordship, alarmed at the riots, had desired access to his sovereign, to profess his innocence; he had not access, but was told he ought, as a test of his loyalty, to go into the city, and endeavour to stop the tumults. He did go, accompanied with the sheriff. A person applied to him to sign a protection for a house inhabited by a Roman-Catholic; he signed it: had he refused to sign it, and had that refusal been urged in argument against him, it would have been difficult to have averted the edge of it. He justly complimented the Attorney-General; said, his candour was equal to his abilities; and, when he said that, he stated him high indeed.—He concluded with saying, he should call a few witnesses; and that whatever blame or fault might be imputed to Lord George Gordon, he hoped the jury would in the result find him not guilty of high treason.

Mr Erskine said, he meant to reserve his address to the jury till after the prisoner's witnesses had been examined.

Lord Mansfield said, as far as he was concerned, he should be glad to hear him when it was most desirable to himself.

Mr Attorney-General said, no objection would be made by the counsel for the prosecution.

Evidence for the Prisoner.

The Rev. Erasmus Middleton, lecturer of St Bennet's, Grace church-street, and St Helen's, Bishopsgate street. The Protestant Association was established in Feb. 1779, on Nov. 12. his Lordship was solicited to become President, and accepted the offer. At their meetings his Lordship demeaned himself as a legal subject; never had heard him use expressions of disloyalty; he was always peaceable and moderate. At one time the whole committee, except this evidence, were for postponing the petition to parliament till another session; but in the course of the subsequent meetings, the arguments of Lord George and this evidence, convinced them of the propriety of presenting it that session. The adjournment was to St George's Fields; and the people were to be in separate divisions, that his Lordship might go from one to the other, and more readily learn the sense of the whole. It had often been thrown out, that 4 or 500 names were easily got to a petition, therefore it was thought necessary for the signers to appear, to convince the world their names were not fictitious. When ten in the morning was said to be too early, lest some people might get drunk, his Lordship answered, "The Protestant Associators are not drunkards." His Lordship strongly recommended orderly behaviour; desired them not even to carry sticks; that if any one was riotous, to give him up to a constable, and even he himself, if he should prove riotous; that if they were struck, not to return it, reminding them of the religious maxim, "If they smite thee on one cheek, turn thou the other also." His Lordship never made use of any inflammatory expression. —— On his cross-examination, said, he disapproved of going up with the petition, accompanied with the general body.

Ld Stormont sworn. On Wednesday, June 7. between ten and eleven in the morning, as I was attending his Majesty at the Queen's house, with several of his Majesty's other confidential servants, a page came and scratched at the door: I went out by order; when the prisoner at the bar was at the gate of the Queen's house, desiring to see his Majesty. I went out with another Noble Lord, and gave directions, that Lord George Gordon should be brought into a room in the colonade. I then went to him to ask what his Lordship wanted; he answered, "that he desired to see the King, because he could be of essential, or material service, or do great service, in suppressing the riots." I went with this message, and delivered it exactly to the King; and the answer I delivered to

his Lordſhip was this, "It is impoſſible for the King to ſee Lord George Gordon, until he has given ſufficient proofs of his allegiance and loyalty, by employing thoſe means which he ſays he has in his power, to quell the diſturbances, and reſtore peace to this capital." That was all I ſaid to his Lordſhip; his Lordſhip to that anſwered, "If he might preſume to reply, he would ſay, that his beſt endeavours ſhould be uſed."

Mr Thomas Evans ſworn. He was one of the petitioners. On June 2. going in a coach to St George's Fields, Mr Smith, keeper of Guildhall, Weſtminſter, came and told him, that he had information that the journeymen weavers from Spittalfields were aſſembling; and that if the petition was carried by more than 20 or 30, there would be a riot. The evidence told Mr Smith he did not know Lord George, but would endeavour to ſee him. On entering the fields, his Lordſhip was in the centre of the Scotch diviſion; with difficulty he got to him, and told him Mr Smith's information; aſked if the whole body was to attend; his anſwer was, "By no means; he intended to go to the Houſe alone, the petition was to follow him to the lobby, and there to wait till he came to receive it." The evidence ſaid to his Lordſhip, he was glad of this; and aſked, if he would give him leave to tell the people ſo; his Lordſhip ſaid, "With all my heart." The evidence went and informed ſome of the people next him; then drove towards the obelisk; where he was ſurpriſed to ſee the people marching in a line, ſix abreaſt, with their faces towards the borough; he told them it was Lord George's deſire that they ſhould not ſtir out of the fields; and mentioned alſo Mr Smith's information, and that there would be a riot; they replied, he need not be afraid of that, "for they were determined to make none." A gentleman then ſaid to him, "As you, Sir, are ſo zealous in the cauſe, you had better go over Black Friar's-bridge, and meet the London Aſſociation on Ludgate Hill, and bring them back again."

Mr John Spinnage depoſed, That he was in the coach with Mr Evans; and gave evidence to the ſame purpoſe.

William Smith, keeper of Guildhall, depoſed, That Walter Ruſſell, keeper of the Salutation Tavern, Newgate ſtreet, had told him he was afraid there would be a great diſturbance.

Mrs Eliſabeth Whittingham depoſed, That on June 2. in St George's Fields, Lord G. Gordon came to the coach ſhe was in, ready to faint, and aſked leave to come in, which was immediately given him; he got into the coach, and was near fainting away. Some gentlemen ſurrounded the coach, and ſaid, "Pray let us attend you to the Houſe:" his anſwer was, "By no means; I ſhall be greatly obliged to you if you will all go back." The coach ſet off, and ſet his Lordſhip down at the Houſe of Commons, without any perſon with him.

Alexander Johnſtone depoſed, he came with the London proceſſion; there was no diſturbance; he then went and dined with an acquaintance in the Strand; between ſix and ſeven at night word was brought that there was a diſturbance in Palace yard; the company was for going to try to quell the mob; they perſuaded him to go; he ſaw about twenty boys and five or ſix men, ſtopping carriages; he took hold of a man who had ſtopped a coach; but the gentlemen who were with him perſuaded him to let the man go: they were quite a ſet of pick-pockets that were making the riot, they had not the leaſt appearance of the Proteſtant Aſſociation. —— On his croſs examination he ſaid, an old gentleman was in the carriage, who ſaid he was as ſerious in the cauſe as any of them. The evidence took hold of the man at the coach-door, who ſaid, "he had authority to ſtop every carriage;" ſeveral perſons about the man he had ſeized held this evidence by the hair; and it was a week before he could ſtraiten his neck.

Alexander Fraſer depoſed, he was one of the Proteſtant Aſſociation; ſeeing ſeveral people with blue cockades on Weſtminſter bridge, he did not believe they were the petitioners, he aſked them, "Do you belong to the Proteſtant Aſſociation?" One held up a great ſtick, and ſaid, "No, damn it, this is all our Aſſociation!" They had all blue cockades. Many of them were in liquor; this was about eleven o'clock; it was between three and four o'clock before the petitioners came to Parliament ſtreet.

Sir Philip Jennings Clerke ſworn. On June 2. he rode acroſs St George's Fields; the perſons in the fields were well dreſſed, decent people; he converſed with ſeveral; their deſire was, that a ſtop ſhould be put to public preaching and teaching; they were quiet and orderly; and civil to him, though he had not a blue cockade. The people firſt in the lobby were not the ſame who were there late in the evening; thoſe in the evening were more a mob of blackguards. He heard Lord George Gordon ſay to the people in the lobby, "The member for Briſtol is now ſpeaking; he is no friend to your petition; but take notice, I give you no advice, unleſs it is to be temperate and firm." There was ſuch an intolerable ſtench aroſe from the lobby, that the evidence did not chuſe to ſtay any longer in the gallery over it.

Croſs-examined by the Attorney-General. Q. On Tueſday (June 6) you was not

drawn

drawn by ſuch animals as drew you on Friday? — A. On Tueſday night Lord George went home in a coach with Sir James Lowther and me. When we got through the guards, the people crowded in upon us, and I ſaid, "Come, Lord George, you muſt be my protector." My reaſon for ſaying this was, that on Friday night I was one of the very ſmall diviſion for entering into the petition, and then adjourning, being then and now of opinion, that a petition, ſigned by 40,000 people, did merit ſome attention. Before that time I had not a perſonal acquaintance with his Lordſhip. When we had got a little way, they crowded on him ſo prodigiouſly, he rather wanted protection himſelf; when oppoſite to the Horn tavern, Lord George ſaid to the owner of a chariot ſtanding there, "Wiggins, I am in ſad diſtreſs, will you lend me your chariot?" Mr Wiggins ſaid, "With all my heart." Lord George went in, glad to get out of the crowd; I was glad to get in too; I deſired to be ſet down at Whitehall, being to dine there with a friend. When in the carriage, they cloſed upon us inſtantly, and took off the horſes; it was impoſſible to get out; the people dragged us to the further end of the city to Alderman Bull's houſe; the carriage went as faſt as if we had had a very good pair of horſes, and I ſuppoſe it ran over twenty people. They made a little ſtop at Whitehall, but I could not get out; they made another ſtop at the Manſion houſe, to give the Lord Mayor three cheers; then they drew us to Alderman Bull's. The mob would not diſperſe; we waited an hour and a half, then ſome of Mr Bull's family adviſed Lord George to go, on which he got into the chariot; and in half an hour after, when the coaſt was clear, I got into a hackney-coach, and inſtantly drove away. Whenever Lord George Gordon could ſpeak, he ſaid, "For God's ſake, go peaceably home; whilſt you aſſemble in this manner, your petition will never be complied with." No man could take more pains than his Lordſhip did to make the people diſperſe. I beg to ſay one word more, I ſhould be glad to ſay any thing in favour of an injured innocent man; there has been ſome doubt where Lord George was on Friday night (June 2.) when we went out of the Houſe. In the Houſe Lord George aſked Sir James Lowther to carry him home; Sir James complied; he carried me to the top of St James's ſtreet; he then went home, and his carriage took Lord George to his own houſe.

Mr John Turner depoſed, That Lord George ſaid to the people in St George's Fields, that "if any thing had weight reſpecting their petition, it would be their quiet and peaceable behaviour; that ſince he came into the fields, he had been told a number of perſons had come abroad to raiſe a riot, and deſired them not to be led away by ſuch people."

Mr John Humphreys depoſed, He was within the ring where Lord George was in St George's Fields; when a gentleman came from Lord George, and "deſired them not to go up to the Houſe, but to diſperſe." This was about eleven o'clock.

Mr Samſon Hodgkinſon depoſed to the ſame effect; and that his Lordſhip adviſed "only a ſmall number to go with the petition."

Mr John Robinſon depoſed, He was one of the proceſſion; they went quietly; the riotous people in Palace-yard he did not think were of the Aſſociation.

Sir James Lowther depoſed, That Friday, June 2 in one of the rooms of the Houſe of Commons, Col. Luttrell came in with a blue cockade; Lord George Gordon got into my carriage; the people came about it, and aſked, "Is the bill to be repealed?" Lord George ſaid, "I do not know, I hope it will; but go home, make no riot, nor noiſe." My coach ſet down Sir Philip Clerke; it ſet me down at my own houſe, and then went home with Lord George. He ſeemed tired or rather ſleepy.

Mrs Youd, ſervant to Lord George, depoſed, That on Friday, June 2. his Lordſhip came home a quarter before eleven, and did not go out again that night.

Mr Erſkine then ſaid, they were ready to prove where his Lordſhip was every hour and every minute of Saturday, Sunday, and Monday.

Mr Alderman Pugh depoſed, That on Wedneſday, June 7. about three o'clock afternoon, when Lord George Gordon was in the coach with him, a young man came with half a ſheet of paper that was written upon, and ſaid, "His houſe was in danger, and begged his Lordſhip to ſign the paper." His Lordſhip did ſign it, and the man ſeemed to go away happy.

Here the evidence for the Priſoner cloſed.

Mr Erſkine now roſe in behalf of the priſoner. He ſpoke with an earneſt rapidity, and in the moſt forcible manner, both as a lawyer and an orator. He communicated the paſſions he felt to the hearts of his auditors ſo powerfully, and ſeized upon them ſo irreſiſtibly, that even his blemiſhes paſſed with applauſe at the immediate moment, however reprehenſible they might be on reflection. In fact, he exhibited a ſcene never before ſeen in a court of juſtice. Lawyers are often remarkably inſolent to their opponents clients and witneſſes, thinking themſelves ſafe under the protection of the court; but they ſeldom proceed to outrage againſt

one another. Mr Erſkine ſeemed to ſet no bounds to his tongue, he gave it unbridled licence when ſpeaking of the crown-lawyers, particularly of the Attorney-General. In alluding to the paper ſigned by Lord George Gordon in Mr Sheriff Pugh's chariot, he exclaimed with peculiar bitterneſs, that if a man could bring a paper ſigned from the beſt of principles, from the pureſt motives of humanity, and adduce it as a proof of guilt, to convict the perſon acting from ſuch excellent principles to death, by God, he muſt be an aſſaſſin. It ought to be remarked, that the paper was produced to ſhew his Lordſhip's influence with the mob; and it certainly did ſhew it, for the houſe, the paper was intended to protect, though inhabited by a Roman Catholic, and in the rioters liſts to be pulled down, remained untouched, on the paper being ſhewn to the mob. Others who took notes have the offenſive expreſſion, ruffian, inſtead of aſſaſſin. It was thought remarkable, that the court did not check the extravagancy of the orator.

He began with informing the jury, that he moved from his ſeat, to diſentangle himſelf from the volumes of names which lay there under his feet, and which, if it had been neceſſary for the priſoner's defence, would have given additional confirmation of the facts already in evidence before them. He apologiſed for his want of experience. I am a greater object of compaſſion than even my noble friend; he reſts ſecure in conſcious innocence, and in the well-placed aſſurance, that that innocence can ſuffer no ſtain in your hands. He concluded a ſhort hiſtory of the law of treaſon from the days of Edward III. with declaring that Lord George Gordon, who now ſtands before you indicted for that crime, is not, cannot, be guilty of it, unleſs he has levied war againſt the King in his realm, contrary to the plain letter, ſpirit, and intention of the act of the 25th Edward III. to be extended by no new or occaſional conſtructions, to be ſtrained by no fancied analogies, to be meaſured by no rules of political expediency, to be judged of by no theory, to be determined by the wiſdom of no individual, however wiſe, but to be expounded by the ſimple genuine letter of the law. He then went into the indictment. The only overt act charged in the indictment is, the aſſembling the multitude, which went up with the petition. If it had been proved that the ſame multitude, under the direction of Lord George Gordon, had afterwards attacked the Bank, broke open the priſons, and ſet London in a conflagration, I ſhould not be addreſſing you;—I am neither ſo fooliſh as to imagine I could have defended him, nor ſo profligate as to wiſh it if I could. But when it has appeared, not only by the evidence in the cauſe, but by the evidence of the thing itſelf, that theſe dreadful events were entirely unconnected with the aſſembling of the petitioners, or at the very worſt, the unforeſeen, unfeigned, unabetted, and deeply regretted conſequences of it, I confeſs the ſeriouſneſs and ſolemnity of this trial ſink and dwindle away. Only abſtract from your minds, all that misfortune, accident, and the wickedneſs of others have brought upon the ſcene, and the cauſe requires no advocate, it requires no argument to ſcreen it from the guilt of treaſon; for though I am perfectly convinced of the purity of my noble friend's intentions, I am not bound to defend its imprudence, ſince you are not trying him for imprudence, but for a deliberate and malicious predetermination to overpower the laws and government of this country by hoſtile rebellious force. On finiſhing this part, the application of the law of treaſon to the general features of the caſe, he ſaid, Gentlemen, "I have ſpoken with as much ſincerity as if I had addreſſed you upon my oath from the bench where the judges ſit." I declare to you ſolemnly, in the preſence of that Great Being at whoſe bar we muſt all hereafter appear, that I have uſed no one act of an advocate, but have acted the plain unaffected part of a Chriſtian man, inſtructing the conſciences of his fellow-citizens to do juſtice — The law of England pays no reſpect to theories however ingenious, or to authors however wiſe; and therefore, unleſs you hear me refuted by direct precedent, and not by vague doctrine, —if you wiſh to ſleep in peace, follow me. He then went into an application of the evidence to the doctrines he had laid down. He handled the crown lawyers and the crown evidences, particularly Hay, on account of his inconſiſtencies, with the greateſt ſeverity. In ſpeaking of conflagrations, he ſaid, can any man living believe, that Lord George Gordon could poſſibly have excited the mob to deſtroy the houſe of that great and venerable magiſtrate, who has preſided ſo long in this high tribunal, that the oldeſt of us do not remember him in any other form, than the awful form and figure of juſtice. Remarking on Mr Bowen's mentioning what the priſoner had ſaid relating to the riots in Scotland, and the uſe made of it by the Attorney-General, he declared, that he muſt be a *ruffian*, and not a lawyer, who would dare to tell an Engliſh jury, that ſuch ambiguous words, hemmed cloſely in by others not only innocent but meritorious, are to be adopted to conſtitute guilt, by rejecting both the introduction and ſequel. And again, when ſpeaking of Lord George Gordon's going to the King, and offering his ſervices to ſuppreſs the diſturbances, he repeated,

repeated, "I ſay, by God, that man is a ruffian," who ſhall, after this, preſume to build upon ſuch honeſt, artleſs conduct, as an evidence of guilt.

He went through the whole evidence for the crown, and alſo for the priſoner, which need not be repeated here, having been already given. He concluded with ſaying, that in the trial of all that black catalogue that expired on the gibbets, no one fact appeared which ſhewed any plan, any object, any leader; that out of 44,000 perſons who ſigned the Proteſtant petition, not one out of all that number was to be found among thoſe who were convicted, tried, or even apprehended on ſuſpicion; and that out of all the felons let looſe from the priſons, not a ſingle wretch was to be found, who would even attempt to ſave his own life by promiſing to give evidence on the preſent occaſion. Gentlemen, What can overturn ſuch a proof as this? Surely a good man might believe, that the providence of God was watchful for the protection of innocence and truth. I may now relieve you from the pain of hearing, and myſelf from the pain of ſpeaking on a ſubject, which agitates and diſtreſſes me. Since the whole tenor of Lord George Gordon's conduct repels the belief of the traitorous purpoſe charged in the indictment,—my taſk is finiſhed. I ſhall make no addreſs to your paſſions, it might be uſeful in a doubtful caſe. At preſent the plain and rigid rules of juſtice are ſufficient to entitle me to your verdict; and may God Almighty, who is the ſacred author of both, fill your minds with the deepeſt impreſſions of them, and with virtue to follow thoſe impreſſions! You will then reſtore my client to liberty, and me to that peace of mind, which, ſince the protection of that innocence in any part depended on me, I have never known.

Mr Solicitor-General began with ſome remarks on the ſtrange behaviour of the laſt ſpeaker, the abuſe which he had thrown out had not ruffled him, it therefore did not make him deviate into rudeneſs; but his remarks, though more polithed, were not on that account leſs pointed or leſs ſevere. He ſaid, the licentiouſneſs with which his learned friend (the Attorney-General) and the witneſſes for the crown had been treated, was a thing perfectly new in Engliſh courts of judicature; that if the *word* of the gentlemen who had ſo adventurouſly inveighed againſt all who were concerned in the conduct of the cauſe, was to be taken againſt evidence, againſt reaſon, againſt law, he would fear very much for his reputation; he ſhould fear the imputation of cruelty, of an attempt to ſupport an unjuſt proſecution by ſhameful ignominious evidence; for ſuch was the reſult of frequent aſſertions, made with a boldneſs perfectly new to him, in his ſhort experience in Engliſh judicature. But they made no impreſſion upon him. He had guarded againſt reſentment; but greater provocation by the counſel for a priſoner, had never been given to the advocates for a proſecution, he might almoſt ſay, to the juſtice of the country. So far was he from feeling, that the invective, the cenſure, the calumny, and the ſlander, which had been ſo freely ſpread, and ſo often repeated, had the ſmalleſt ground, that had he ſtood in the place of his learned friend, he ſhould have thought himſelf anſwerable to the juſtice of his country, had he omitted to bring the priſoner to trial. He then declared, that he ſhould forget from that moment all the acrimony that had been vented againſt his friend and himſelf; it ſhould not ſharpen his temper againſt the noble priſoner; nor ſhould it, on the other hand, deter him from doing his duty; that though the learned gentleman at the bar ſhould tell him ten times to his face, *that he was a ruffian*, he ſhould not think he deſerved it becauſe the gentleman ſaid ſo; nor ſhould ſuch abuſe frighten him from doing the duty of an Engliſh advocate, proſecuting, whether he be guilty of the crime charged to him or not, a criminal, in the unfortunate effects of his conduct, as pernicious to the country as any from whom it ever felt.

He then went into the right of petitioning, that by the ſtatute of Charles II. no more than ten perſons were to go with a petition either to the King or the Parliament; that his learned friend (the Attorney-General) had been complained of (by Mr Erſkine) for not employing a great length of time on the doctrine of treaſon, on which the proſecution was founded; he will pardon me if I give a reaſon for him, and that is, he is not accuſtomed idly, uſeleſsly, and vainly, to miſpend his time, either to make a parade of his learning, or to ſhew that he has been guilty of a fooliſh diligence, in collecting from books, poſitions of law treaſon, of which no mortal man can entertain a doubt; for you will obſerve, that neither of the priſoner's counſel have made a doubt, that what was deſcribed by the Attorney-General ſhortly, is the act of levying war. *Where-ever there is an inſurrection of a multitude, by force to repeal a law,—that is high treaſon, becauſe it is levying war.* In the caſe of Damaree, two men were convicted, one of whom had only called the mob to follow him to one fire, and at another, had flung ſome goods into the fire, and only two Preſbyterian meetings deſtroyed,—a mere trifle to what we have experienced. The queſtion to be decided is, has the Noble Lord been guilty of levying war in this way? that is, has he been a partaker, a promoter, and inciter of an

inſurrection, made againſt the government of this country, to repeal by force the law that you have heard of? That will be the queſtion. The learned judges will tell you, it is not neceſſary he ſhould do the miſchief with his own hand. A general of an army ſeldom kills one of the enemy, the actual miſchief is done by the army he commands. If there has been an inſurrection, and if the Noble Lord has borne a part in it, has incited it, partly by his expreſſions, partly by his actions, whether he was preſent at all or any of the places where the worſt miſchief was committed, the guilt of all falls as much on his head, as if he himſelf had put the firebrand to every houſe that was deſtroyed. This is not doubted by either of the learned gentlemen. We are firſt to conſider whether there has been an inſurrection to repeal this law? Then, whether the noble priſoner had a part in it? That there was an inſurrection, I need not ſpend much time to prove: for mark what has been done! Thouſands without a name, for whether 20, 30, or 40,000, remains perfectly in the dark, met at Coachmaker's hall and other places, and finally in St George's fields, to carry a petition to Parliament; they came with that force on Friday the 2d of June; they fill every avenue of the Houſe, block up the lobby, and inſult the members: their riot ſtops the buſineſs of the legiſlature: the repreſentatives of you and of us all were the priſoners, the ſlaves, of theſe humble petitioners. This diſorderly aſſembly are told who are their friends, who are their enemies; they are told the Houſe cannot divide upon their petition, till they retire. Do they put an end to the impriſonment? Do they move? No. At laſt the Commons of England are ſet at liberty by a military force.

He then went into the whole of the riots, and ſhewed how they were connected with the priſoner's conduct. It had been aſked, What motive could engage the priſoner in ſuch deſperate enterpriſes? He ſaid, he could not look into the human heart; but he knew that *the worſt of all enterpriſes had been produced in the world by falſe ambition, aiming at unjuſt pre-eminence; and likewiſe by falſe notions of religion, which* though felt to a certain degree very often, *are ſeldom quite free from hypocriſy.* He needed not to remind them, that theſe qualities mixed together in ſome very eminent men, had formerly rendered this country, a ſcene of confuſion, of horror, and of bloodſhed. The Noble Lord's object was the repeal of the law, called Sir George Savile's act; at Coachmaker's hall it was decided, that an immenſe number ſhould meet in St George's Fields; at that hall he held language dreadful to repeat; his Lordſhip ſaid, "the King had broken his coronation oath; that his Majeſty was in the ſame ſituation James II. was in after his abdication; that his countrymen the Scotch did not mince the matter, they ſpoke out." Now there is no proof of the Scotch ſpeaking out in any other ſenſe than by *acts of force.* His Lordſhip adviſed his audience "ſtedraſtly to adhere to the good cauſe; that the Scotch had ſucceeded by their unanimity; that he would not preſent the petition, unleſs he was met by 20,000 people; he would be anſwerable for any that were moleſted on account of the meeting; he wiſhed well to the cauſe, and would go to the gallows for it." He then followed his Lordſhip into St George's Fields, and to the Houſe of Commons, where his Lordſhip named the members who ſpoke againſt the petition to the mob in the lobby, and told them, the Scotch had no redreſs, till they pulled down the maſs-houſes; his coming to the Houſe with his blue cockade on Friday; the offer of the mob to retire, if he would adviſe them; his leaving it entirely to themſelves; his adviſing them to be ſteady; his being carried in triumph by the ſame mob, and without direction they knew the houſe in the city he intended to go to; on Wedneſday he wants admiſſion to his Majeſty, to inform him, he can be of ſervice in ſuppreſſing the riots; that day he actually ſigned a protection, and that protection had its effect. To get rid of the whole of the evidence, the gentleman who ſpoke laſt, had ſaid, the proſecution was ſupported by the ſcum of the earth; for the ſake of a play upon words, Mr Hay, becauſe unfortunate, was both a bankrupt in trade and in conſcience. This was a bold and groundleſs aſſertion; no attempt had been made to impeach the credit of Mr Hay. What are the other witneſſes? Mr Anſtruther, a more honourable character this iſland does not boaſt. Mr Metcalf, an attorney of undoubted reputation. Who is Mr Bowen? Officiating chaplain to the Houſe of Commons; and Mr Cator, formerly a member of the Houſe, of a large fortune and irreproachable character. Is ſlander to do away that evidence in anſwer to which, nothing can be ſaid, and againſt which, I ſhall ſhew you, no evidence has been given? When the miſcreants were ſetting the town on fire, did the Noble Lord entreat them to deſiſt? When I conſider, that we hear of him at no fire; when I hear not of any attempt to ſtop its courſe; and ſee him again, on Tueſday, bring the colours of ſedition upon his hat: I cannot poſſibly but conclude, he was the partaker, the encourager, the friend to theſe outrages. They purſued one uniform deſign,—to repeal the bill. One exception has been mentioned, but that I do not think an exception; the preſence of the perſon before whom I ſpeak, makes it improper in me to en-

enlarge on that circumſtance; their reſentment was uniformly directed againſt all who were friends to toleration; they knew the noble perſon to whom that circumſtance alludes, has always diſtinguiſhed himſelf, as the moſt effectual friend to toleration this country ever knew. The Noble Lord's language to Lord Stormont is, that he could be of eſſential ſervice in ſuppreſſing the riots. How could he be of eſſential ſervice in ſuppreſſing the riots of a banditti, unconnected with the Proteſtant Aſſociation? And yet this is the argument upon which the innocence of the priſoner muſt reſt,—if it can be ſupported. In his application to Lord Stormont, he aſſumed to himſelf the character of their leader and commander; and the protection given to Pond, is a proof of his power.

I have ſtretched my mind to its utmoſt exertion to collect from the evidence for the priſoner, what it was that was proved in his behalf; and if I was now aſked upon oath what he has proved in his defence, I proteſt I am not able to tell you.

He could not credit, that the priſoner had deſired them, that if one cheek was ſmitten, they ſhould turn the other; it was highly improbable; it muſt be proved by more and better witneſſes, before he could believe it. The Noble Lord's inflammatory expreſſions had been proved to have been ſpoken before numbers of his friends; yet not one man attempts to prove that no ſuch words were ſpoken. None of that choſen Committee, none of the friends of the Proteſtant cauſe, have been produced to ſay, I was preſent; I heard all that paſſed; no ſuch words ever fell from the Noble Lord. No perſon has ſaid, that the alluſions again and again to Scotland, mentioned by Mr Bowen, did not paſs. Not one man to contradict what has been ſworn to by ſeveral witneſſes on the part of the proſecution. This to me carries with it unanſwerable conviction. With theſe remarks I conclude. If the crime is not proved, it is your duty to acquit the Noble Lord; and no man will murmur at the acquittal: but if, on the other hand, the crime is made out againſt him; if this miſchief, from beginning to end, was practiſed by men to compel a repeal of the law; if the Noble Lord bore a part, if he incited, conducted, and encouraged it, — what muſt be the conſequence? Neither the conſtitution of this country, nor the conſtitution of any country, can ſtand, if outrages like theſe are ſuffered to paſs with impunity.

Lord Mansfield ſummed up the evidence with the utmoſt impartiality.

The jury withdrew at three quarters after four on the Tueſday morning, and returned into court in half an hour after, finding the priſoner NOT GUILTY.

Subſtance of the evidence given by the witneſſes on the trial of Capt. John Donellan. [220.].

Mr Powell, apothecary at Rugby, depoſed, That Rugby was three miles from Lawford Hall, where Sir Theodoſius reſided at the time of his death: That he was employed to cure him of a ſlight venereal complaint, contracted immediately before his application to him, but not a continuation of any diſorder of that kind, as had been often repreſented: That he gave cooling phyſic three weeks; after which, ſuppoſing his patient cured, he ſuſpended this application: That in about a fortnight after, on a trifling ſwelling in his groin, he adminiſtered draughts of the moſt gentle and innocent kind, conſiſting of four dozes; two of them compoſed of manna and ſalts only, the other of rhubarb and jalap, fifteen grains each: That the laſt doſe was ſent on Aug. 29. the day before Sir Theodoſius's death, by William Froſt, a ſervant to Lady Boughton: That he alſo ſaw the deceaſed the ſame day, who was at that time in perfect health and ſpirits: That the day following, being Wedneſday Aug. 30. he was ſent for by Lady Boughton to Lawford Hall by the ſame W. Froſt, where he arrived at nine o'clock: That on going into Sir Theodoſius's room, which he did immediately on his arrival, he found he had been dead above an hour: That Capt. Donellan accompanied him into the room; but, though a medical man, aſked no queſtions concerning the event which had taken place; but on being aſked by the witneſs as to the nature of his death, the Captain ſaid, that Sir Theodoſius had died in convulſions; and wiſhed to make the witneſs believe, that the cauſe of it was cold, and that he was an imprudent young man, and took no care of himſelf: That the body bore no appearance of diſtortion when he ſaw it; and the bottles which contained the draughts were not then in the room. The witneſs produced two bottles, exactly of the ſame colour, but differing in taſte and ſmell, and in the effects of their ingredients; the one compoſed of fifteen grains of rhubarb, and an equal quantity of jalap, with two drachms of nutmeg water, and ditto of ſimple liquid; the other had the ſame ingredients in it, but had alſo an infuſion of laurel water, a water diſtilled from the laurel leaf; the

the firſt of theſe was perfectly innocent, the other the ſtrongeſt poiſon. —— On being croſs-examined by Mr Newnham, leading counſel for the priſoner, the witneſs anſwered, That the draughts were never attended with violent operation; they only purged gently, and never made the patient ſick. —— Several letters were produced, purporting to be written at different times after Sir Theodoſius's death, by the priſoner to Sir William Wheeler, the guardian. Mr Powell proved the hand-writing to be the priſoner's.

Lady Boughton, mother to the deceaſed, ſworn. From her evidence it appeared, that Sir Theodoſius was 20 years old on Aug. 3. laſt: That if he had lived one year more he would have had an eſtate of 2000 l. a-year at his own diſpoſal: That Mr Donellan had been in her family ſince Michaelmas 1778; and had ſeveral times hinted to her that her ſon's health was in a bad ſtate. She once told him that ſhe would move when Sir Theodoſius came of age; when he deſired her not to think of that, for ſomething might happen before he comes of age, as he is in a bad ſtate of health. A ſhort time before this fatal accident happened, Sir Theodoſius complained of forgetting ſometimes to take his medicines, and Mr Donellan adviſed him not to lock them up as uſual, but to leave them in ſome open place in his room to put him in mind of taking them. The day before his death he went a-fiſhing, about ſix or ſeven in the evening. Whilſt he was out there was but one man ſervant in the houſe. She and her daughter Mrs Donellan went to walk in the garden, where Mr Donellan joined them after ſome time; and ſaid, "he had been to ſee them fiſh, and would have perſuaded Sir Theodoſius to deſiſt, and come home for fear of cold." Mr Donellan was gone to bed, when Sir Theodoſius came home about nine o'clock; and after deſiring that his mother would come in the morning and give him his phyſic, (for he liked better to take it from her than any body elſe), he went to bed. About ſeven in the morning ſhe went into his room, and brought him (by his own deſire) a bit of cheeſe, to take the taſte of his phyſic out of his mouth. She aſked him where the bottle was? He anſwered, "There upon the ſhelf." It ſtood beſide an empty bottle in which there had been phyſic before. He deſired ſhe would read the label. It was — *The purging draught for Sir T. Boughton.* She ſhook the bottle, as he alſo deſired her, and he ſwallowed the draught. Immediately after this he complained, that it was nauſeous, took the bit of cheeſe, and rinced his mouth with water. When he complained of its being nauſeous, ſhe ſmelt to the bottle; and the ſmell of it conveyed to her ſenſes the idea of bitter aloes. It was a very remarkable ſmell. The two bottles produced by Mr Powell were then handed to her, when ſhe pitched upon that which contained the mixture of laurel water, and declared, it had exactly the ſame ſmell that the draught had which ſhe adminiſtered to Sir Theodoſius. In about two minutes after ſwallowing the draught, he ſeemed a little convulſed with a ſtruggle in his ſtomach, as if he were endeavouring to keep it down. He was in that ſtate about ten minutes, and then appearing a little compoſed, ſhe left the room; but returning again in five minutes, ſhe found him with his eyes ſtaring, his teeth clenched, and froth running out at his mouth. She inſtantly ſent for Mr Powell the apothecary, and Mr Donellan; the latter ſoon came up into the bedchamber, and ſaid, "What do you want?" "I have given my ſon," ſaid ſhe, "what I thought was phyſic ſent by Mr Powell; but I believe had it been given to a dog it would have killed him." Mr Donellan anſwered, "Where is the bottle?" She ſhewed it to him on the ſhelf. He inſtantly took it up, took ſome water, rinced the bottle with it, and poured it into a waſh hand-baſon. She ſaid, "What are you about?" upon which he ſnatched up the other bottle, rinced that alſo, put his finger into it, and put his finger to his mouth afterwards. Then he ſaid, he did it in order to taſte it. He did not however taſte the firſt bottle he had rinced, and which was that that contained the draught juſt then adminiſtered. He then deſired the ſervant, Sarah Blondell, (who is ſince dead), to carry down the bottles and baſon; but Lady Boughton ſtopped her, took the bottles out of her hand, and laid them down on the table, ſaying, they ought not to be removed till Mr Powell came. He then deſired that Sir Theodoſius's clothes ſhould be put out of the way, and whilſt ſhe was ſeeing that done, the bottles were removed. In doing this, ſhe had the good fortune to take notice of Sir

Theodoſius's

Theodoſius's ſtockings; and they were not wet. During theſe circumſtances, Sir Theodoſius was almoſt dead; and a ſervant was by the bed-ſide wiping the froth from his mouth. Some time after, Lady Boughton entered the parlour during a converſation between Mr Donellan and Mrs Donellan, and heard him ſay, "Your mother was pleaſed to take notice of my waſhing the bottle; and, if it had not come into my head to ſay that I did it only to taſte the contents, I do not know what I ſhould have done." Lady Boughton, hearing this, made no anſwer, but retired out of the room. Soon afterwards, Mr Donellan rang the bell, and called for the coachman; to whom he ſaid, "William, do not you remember my going out this morning at the iron-gate? and that I have not been at the other ſide of the houſe to-day?" Yes, Sir," ſaid William, "I do remember it." "Then you, William, are my evidence," ſaid Mr Donellan. She remembered Mr Donellan's receiving a letter from Sir William Wheler, and alſo Mr Donellan's anſwer; which, when read to her, ſhe did not approve; ſhe did not then give her reaſons for not approving it; but deſired him not to ſend it. Her ſon died, ſhe ſaid, on Wedneſday, the 30th of Auguſt, and was interred on the Wedneſday following. At the inqueſt taken before the Coroner, Mr Donellan was preſent; ſhe there mentioned the circumſtance of waſhing the bottle, he pulled her by the ſleeve, and ſeemed to wiſh her not to mention it. When they had returned home, Mr Donellan expreſſed his opinion to Mrs Donellan, that Lady Boughton had been too forward in mentioning that circumſtance, and obſerved, that ſhe ſhould only have anſwered ſuch queſtions as were put to her. She had conſtantly eat at the ſame table with her ſon, and never recollected that there was any rule in the family, not to eat any thing of which he uſed to eat; but once indeed Mr Donellan recommended to her not to drink out of the ſame cup with her ſon, as he was infected with venereal complaints; and that it would be better not to eat the bread he touched. —— Upon her croſs-examination ſhe declared, that ſhe had in November 1778 apprized Capt. Donellan herſelf, that her ſon's health ſeemed greatly impaired, and that his fine complexion and ſpirits were gone. She recollected ſeveral quarrels that her ſon had at different places, in which Capt. Donellan interpoſed to prevent the conſequences. —— Being re-examined by the counſel for the proſecution with reſpect to the terms on which the Captain and her ſon lived together, ſhe ſaid they were perpetually haggling with each other; and upon a ſecond croſs-examination, ſhe owned that their differences were not more than ſuch as happened every day in moſt families.

Catharine Amos, cook-maid to Lady Boughton, depoſed, That ſhe was called into the room where Sir Theodoſius lay, about five minutes before his death. —Sarah Blundell was with her. Sir Theodoſius never ſtirred either hand or foot after ſhe ſaw him. He frothed at the mouth, guggled in his throat, and heaved violently in his ſtomach. She afterwards went about the houſe, and in about half an hour ſaw the priſoner, who told her, without being aſked any queſtions by her, That Sir Theodoſius had caught cold by being ſo late out a-fiſhing the night before, and that it was very filly of him, after having been taking phyſic for ſome time. She was preſent when the body of the deceaſed was opened; and Mr Donellan then informed her, that the cauſe of Sir Theodoſius's death was, that a blood-veſſel had been broke. A few days after this, the priſoner brought her a ſtill to clean, and deſired that it might not be ſuffered to ruſt. She had ſeen the priſoner work at this ſtill. He uſed to lock himſelf up in a room, which was called his room, though he did not ſleep in it, excepting only when Mrs Donellan was lying in; and was known to be at this ſtill for hours together. It uſed to ſtand openly in the room when Mrs Donellan was in childbed, becauſe the Captain ſlept in it himſelf, and could not very well lock it then.

The Rev. Mr Newſam depoſed, That he ſaw the priſoner the Saturday preceding Sir Theodoſius's death: That the priſoner then told him, that Sir Theodoſius was in a very bad ſtate of health; that he had not got rid of the diſorder which he brought from Eaton; that his body was nothing elſe but mercury and corruption; and that he had a violent ſwelling in his groin, which they were then endeavouring to bring to a head; but he was ſo obſtinate, that though he was able to undergo a cure, they were afraid he would ſuffer it to get into his

blood, which might be attended with bad conſequences. The witneſs upon hearing this obſerved to Capt. Donellan, that he believed his life was not worth two years purchaſe. Upon which the Captain replied, it was not worth one. The witneſs on being aſked how Sir Theodoſius looked under this accumulation of diſorders ſaid, that to appearance he ſeemed in very good health.

Mr William Carr, ſurgeon, of Northampton, who attended Sir Theodoſius, depoſed, That he was by no means ſo ill as the priſoner had deſcribed him to Mr Newſam: That he had had a ſmall excreſcence or wart in the glands, but ſo ſlight that he could ſcarcely be ſaid to have had any diſorder at all. The little he had was perfectly removed before he left him.

Dr Rattray, phyſician, of Coventry, depoſed, That on Sept. 4. he received an anonymous note requeſting him and Dr Wilmer to attend at Lawford Hall to open the body of Sir Theodoſius. Mr Wilmer and he went next day. They ſaw the priſoner in the hall, who aſked if they had ſeen Sir William Wheler, whom he ſaid he expected there. He told them he had received a letter from Sir William, which he would ſhew them. He accordingly looked for it, and pulled the cover out of his pocket, without the letter. He afterwards, however, ſhewed them a letter from Sir William, which was the ſecond letter that had been ſent by Sir William; and only mentioned Sir William's excuſe for not coming to ſee the body opened, without entering into a deſcription of his reaſons for wiſhing that operation to be performed, which he had done in his firſt letter to Mr Donellan; ſo that they were left entirely in the dark as to the true motive for undertaking the buſineſs.—After they had ſeen the body of Sir Theodoſius, which appeared to them in a ſtate of high putrefaction, they told Capt. Donellan, that it would be of no uſe to open the body in that ſtate. Capt. Donellan had before told them, that it was for no other reaſon in the world but to ſatisfy the family, that any wiſh was entertained to open the body, although at this time Capt. Donellan had received a letter from Sir William Wheler, explaining, that his motive for wiſhing the body to be opened was, to remove a ſuſpicion which had begun to be ſpread in the world, that Sir Theodoſius had been poiſoned.—Dr Rattray further depoſed, that he and Mr Wilmer went again, on application from Sir William Wheler, on Sept. 9. three days after the body had been depoſited in the vault. They there met Mr Bucknell, Mr Powell, and Mr Snow, in the church-yard, to aſſiſt them in the operation. The body was taken out of the vault, and exhibited the following appearances:—It appeared diſtended, the face of a round figure, the lips ſwelled and retracted, and ſhewing the jaws, the teeth black, and the tongue protruded, with its apex turned towards the noſe. The blackneſs diminiſhed as it went downwards, and the body appeared in ſeveral parts ſpotted: the fat ſeemed to be in a diſſolving ſtate, and looked like water. In the cavity of the lower belly, the viſcera and ſtomach aſſumed the appearance of inflammation, not that he, the witneſs, believed it to be in fact an inflammation, but that they aſſumed only the ſame exterior aſpect which inflammations generally produce on opening the pericardium. The heart appeared in its natural ſtate,—the lungs were red and black, and ſpotted on the back part,—the blood was a deep red or purple, the diaphragm was in the ſame ſtate, and ſo in general were the lower parts of the body,—the kidnies were tender, and the liver black and ſmall; from all which appearances, he was of opinion, that the deceaſed had died of poiſon. He believed the draught adminiſtered by Lady Boughton contained that poiſon; and was clearly of opinion that that draught was the immediate cauſe of Sir Theodoſius's death. The two bottles filled, as are deſcribed above, were now preſented to the witneſs: he ſaid the one was perfectly innocent, and the other highly obnoxious, as he knew it to contain laurel water, the moſt fatal and expeditious of all poiſons.—He ſaid that he derived his knowledge of laurel water from experiments, of which he gave the following inſtances:—His firſt experiment was in company with Mr Wilmer, upon a dog. He held it between his legs, and gave it two ounces: it died in leſs than a minute, without one convulſion, unleſs a tremulous motion of the under jaw might be ſo called.—He afterwards tried it upon an aged mare, to which he gave a pint and a half. She fell inſtantly, and continued in manifeſt convulſions for fifteen minutes, and then expired; ſhe tried to

riſe during this interval, but could not effect it, otherwiſe than by juſt raiſing her fore feet like a dog, from which he inferred, that the poiſon had deprived her of the power of her hinder legs. He repeated his experiment upon a horſe; he gave it two hornfuls, which might be about a pint and a half; the horſe fell immediately on having received the firſt hornful——he made an attempt, however, to get up——as he was riſing, he adminiſtered his ſecond hornful, which knocked the poor animal flat down, and in twenty-eight minutes afterwards, it expired. The effect of this poiſon, he ſaid, appears to be different from that of almoſt all other; it does not ſeem to impede the circulation, and ſo to produce death, but appears to drive the blood entirely from the centre to the exterior parts or extremities, and by that means leaves too little for conducting the important and vital parts of the animal machine. He ſaid, there certainly was a ſufficient quantity of this poiſon in the phial that had been ſhewn him to kill a man.

On being croſs-examined, the witneſs owned, that he had never attended a diſſection of a body ſuppoſed to be poiſoned; but, at the ſame time, he thought himſelf authoriſed to argue from analogy; and the effects deſcribed to have taken place in Sir Theodoſius, very much reſembled thoſe which he had perſonally ſeen about poiſoned animals. The putrefaction had increaſed very much from the 4th to the 9th, which was the interval that took place between the two different times of viewing the body; but not ſo much as might have been expected. — He did not examine the bowels of the body; they were too putrid; and he did not conceive that to have been neceſſary for confirming his opinion. He had been formerly of opinion, that arſenic was the cauſe of Sir Theodoſius's death; but had changed his ſentiments upon maturer conſideration and better information. It was poſſible that he might be miſtaken in his ſecond opinion, as in the firſt. Every man was liable to error; but he had always believed the body poiſoned, and had only miſtaken the ſpecies of the poiſon. He was now, however, convinced; for there was ſome water in the ſtomach of the ſubject whom they diſſected, which he taſted, and in pungency, ſmell, and other peculiarities, it exactly reſembled what he had ever ſince found to attend laurel water. An apoplexy, or an epilepſy, might produce ſimilar appearances; but ſuch diſorders ſeldom happened to perſons of Sir Theodoſius's age and ſlender ſize.

Mr Wilmer confirmed the account of the appearances on the body, and alſo the opinions of Dr Rattray. He had declared, it was true, that from the putrid ſtate of the body, the propoſed examination would be of no uſe; but had he been told, or had he ſuſpected the cauſe of their being ſent for, he would certainly have opened the body at that time.

Dr Aſh was of opinion from the evidence given, that Sir Theodoſius died of poiſon; as was alſo Dr Parſons, profeſſor of anatomy at Oxford.

Mr Samuel Bucknell, ſurgeon, ſaid, he went to Lawford Hall Sept. 8. ſaw Capt. Donellan, and told him, that he had heard that he and the family wanted to have Sir Theodoſius's body opened, but that Dr Rattray and Mr Wilmer had declined to do it, on account of the putrid ſtate of the body; the witneſs therefore offered to open the body, if it would give ſatisfaction to the family, at leaſt he would take out the ſtomach; but Mr Donellan ſaid, it would not be fair after two gentlemen of the profeſſion had declined it. On the 9th he went again, in conſequence of a meſſage from Sir William Wheeler to meet Mr Snow, and open the body in a garden or ſomewhere. He told his buſineſs to Mr Donellan; who anſwered him, that he had juſt ſent a letter to Sir William on the ſubject, and waited his anſwer. He then went to viſit a patient who was dying, having left word he would return in an hour. Mr Snow came in the mean time, and a ſervant was diſpatched after him; he could not then return, but came back in an hour; Mr Snow was then gone away, and Mr Donellan told him, that Sir William had ſince given his orders; that they were then proceeding according to thoſe orders; and he was ſorry he had given himſelf ſo much unneceſſary trouble.

William Froſt, coachman to Sir Theodoſius, ſaid, that the Captain and Lady Boughton were to ride out on horſeback that morning. About eight o'clock the Captain came out to ſee if the horſes were ready; but Lady Boughton not coming out, the Captain took his horſe and rode to the Wells; and he put up his Lady's horſe in the ſtable. Lady

Boughton called him in the mean time, and defired he would go for Mr Powell immediately, for Sir Theodofius was very ill. The fame day the Captain fent for him into the parlour; and faid, "What gate did I go out at this morning, Will?" He anfwered, "At the iron gate, Sir."—"I have not been at the other fide of the houfe to-day." "No, Sir." – The Captain then faid, "See there, my Lady, what William fays; you'll be a clear witnefs for me."

Samuel Froft proved his receiving a medicine from Mr Powell, about five or fix in the evening, and giving it to Sir Theodofius, who carried it up ftairs. The witnefs was with Sir Theodofius afifhing that evening: Sir Theodofius was all the time on horfeback, and could not wet his feet. He went into Sir Theodofius's room, early next morning, for fome ftraps; Sir Theodofius got out of bed and gave them to him, and appeared in perfect health.

Mary Lyon faid, fhe had lived fervant at Lawford Hall; fhe was there about three or four months before Sir Theodofius's death. She knew that the Captain had a ftill, and ufed to diftil rofes. It was in a room where the Captain flept when Mrs Donellan was lying in. Before that time it ufed to be locked; after it was ufually opened, he ufed to diftil a good deal; but fhe faw him diftil nothing but rofes.

Francis Amos, gardener to Sir Theodofius, remembered being with Sir Theodofius fifhing, and that the Captain was not with him. On the night after Sir Theodofius's death, Mr Donellan came to him in the garden, and faid, Now, gardener, you fhall work at your eafe, and live at your eafe; it fhall not be as it was in Sir Theodofius's days. I wanted to be maffer before, but now I am got maffer, and I fhall be maffer. He brought him fome time after a ftill, with lime in it, to clean. He faid he had the lime to kill fleas. He had often brought him rofes to diftil, and there was laurel in the garden. On the morning of Sir Theodofius's death, Mr Donellan came to the witnefs, defired him to get a couple of pigeons for poor Sir Theodofius, who, he faid, lay very ill; for that curfed diforder would kill him. At that inftant Lady Boughton came out, faid it was too late, and the Captain defired the women might be fent to lay him out.

William Crofts, one of the coroner's jury, depofed, That when Lady Boughton mentioned the Captain's having rinced the bottles, he faw the prifoner pull her by the arm.

Sir William Wheler, guardian to the deceafed, proved the correfpondence which had paffed between him and the prifoner, refpecting the fubject of opening the body; from the whole tenor of which it appeared, that the prifoner ufed every effort to prevent this operation from being carried into execution, at the fame time that he thought it neceffary to difcover fome fair appearances of compliance, and mere verbal acquiefcence. On his crofs-examination he admitted, that Sir Theodofius's father died fuddenly; but he was much older and more corpulent than his fon.

The prifoner being then called on to make his defence, delivered a paper to the Clerk of Affize, who read it to the court. It contained a general denial of the charge, and refuted the fuppofition of his having poifoned the deceafed for the fake of his eftate, by fhewing that he had, previous to his marriage, fettled on his wife, not only all that fhe then poffeffed, but all her future acquifitions. He complained of ftrong prejudices fpread through the country againft him; urged the pains he had taken to preferve the life of the deceafed in different inftances, as proofs that he could have no defign to take it away; and expreffed his reliance on the court and jury for his acquittal of a charge fo injurious to his life and honour. He concluded with expreffing a firm affurance of innocence, and a fanguine hope, that his character would be fhewn in its proper light by the decifion of that day, and prove his innocence to the world, prejudiced as it at this time undoubtedly was againft him.

His counfel then called witneffes to prove the circumftances of his interpofing at different times to prevent the deceafed from fighting; and after them

Dr Hunter was examined. He faid, the appearances on diffecting the body were no proofs of poifon: they were the mere effects of putrefaction. But poifon, he acknowledged, might produce the fame effects. The judge endeavoured to get him to fay, upon the whole, whether he thought, from the fymptoms attending the draught, and the appearances in the body upon the diffection, it was

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moſt likely that the deceaſed died of poiſon, or that he died of ſome other cauſe. But he ſaid the caſe was too doubtful for him to give a decided opinion upon it. The health of the perſon, he ſaid, explained nothing. The healthieſt often died ſuddenly; apoplexy was as conſtitutional as any other diſorder. Had he been called on, he would not have ſtopt where the gentlemen did, at the ſtomach; he would have followed the track of the medicine through the inteſtines; but, above all, he would have opened the head. That would have cleared all up, as a large quantity of extravaſated blood would have been found, had the perſon died of epilepſy or apoplexy.

Here the judge ſummed up the evidence in a very accurate manner; his manner of ſumming it up ſhewed clearly, that he conſidered the priſoner as guilty; but he told the jury, they were neither to be biaſſed by prejudices without the court, nor from even his opinion within; but as they conceived in their own breaſts, the priſoner to be guilty or innocent, ſo he wiſhed them to pronounce their verdict.

The jury went out of court, and in about ten minutes time returned with a verdict, That he was GUILTY.

The clerk of the arraigns then aſked the priſoner what he had to ſay why ſentence of death ſhould not be paſſed upon him? The priſoner anſwered, "I am not guilty, my Lord." The judge then roſe, put on his cap, and addreſſed him, as formerly inſerted [218.].

Letters referred to in Capt. Donellan's trial.

1. *Capt. Donellan to Sir W. Wheler.*

Dear Sir, *Lawford-Hall, Aug.* 30. 1780.
I am verry ſorry to be the communicator of Sir Theodoſius's death to you, which happened this morning; he has been for ſome time paſt under the care of Mr Powell, of Rugby, for a ſimilar complaint to that which he had at Eaton. Lady Boughton and my wife are inconſolable; they join me in beſt reſpects, to Lady Wheler, yourſelf, and Mr and Mrs Sitwell. We are much concerned to hear of their loſs. I am, &c.

2. *Sir William Wheler to Capt. Donellan.*

Dear Sir, *Lemington, Sept.* 2. 1780.
I received the favour of your letter the day after my return from Mr Sitwell's. The ſudden and very untimely death of my poor unfortunate ward gives me great concern; and we condole with Lady Boughton, Mrs Donellan, and yourſelf, for his loſs. I ſend a ſervant with this, to know how Lady Boughton, and Mrs Donellan do, after ſo ſudden and great a ſhock. Pleaſe to make our reſpects to them; at a proper time, I ſhall make my reſpects to them and you in perſon. I am, &c.

3. *Ditto to ditto,*

Dear Sir, *Lemington, Sept.* 4. 1780.
Since I wrote to you laſt, I have been applied to, as the guardian of the late Sir Theodoſius Boughton, to inquire into the cauſe of his ſudden death; and report ſays, that he was better the morning of his death, and before he took the phyſic, than he had been for many weeks, and that he was taken ill in leſs than half an hour, and died in two hours after he had ſwallowed the phyſic. Suppoſing this to be true, there is great reaſon to believe, that the phyſic was improper, and that it might be the cauſe of his death. As it makes a great noiſe in the country, and as I find that I am very much blamed for not making ſome inquiry into the affair, I thought it neceſſary to call upon Mr Powell, to give an account in what ſtate of health he found Sir Theodoſius Boughton when he firſt attended him, what medicines he gave him, and particularly, the doſe of phyſic that he took the morning of his death; and what ſtate he was in at the time of his death. I expect Mr Powell here every moment; his character is at ſtake, and I dare ſay it will be a great ſatisfaction to him to have the body opened; and though it is very late to do it now, yet it will appear from the ſtomach, whether there is any thing corroſive in it. As a friend to you, I muſt ſay, that it will be a great ſatiſfaction to me; and I am ſure it muſt be ſo to you, Lady Boughton, and Mrs Donellan, when I aſſure you, that it is reported all over the country, that he was killed either by medicine or by poiſon. The country will never be convinced to the contrary, unleſs the body is opened, and we ſhall be all very much blamed: Therefore I muſt requeſt it of you, and the family, that the body may be immediately opened by Mr Wilmer, of Coventry, or Mr Snow, of Southam, in the preſence of Dr Rattray, or any other phyſician that you and the family think proper. Mr Powell is now with me, and from his account, it does not appear, that his medicines could be the cauſe of his

his death: he has not given him any mercury ſince June, and the phyſic that he took the morning of his death was compoſed of rhubarb and jallap, two very innocent drugs. —— Mr Powell ſays, it will be a great ſatisfaction to him to have the body opened; and for the above reaſons, I ſincerely wiſh it, as no reflection can be caſt upon me, Lady Boughton, or you, if it is done; and if it is not, we ſhall be much blamed. I will only add, that this affair makes me very unhappy, as it muſt do you, Lady Boughton, and Mrs Donellan. I beg of you to lay this affair before Lady Boughton in as tender a manner as you can, and to point out to her the real neceſſity of complying with my requeſt, and to ſay, that it is expected by the country. I am, &c.

4. *Capt. Donellan to Sir W. Wheler.*

Dear Sir, *Sept. 5,*

Give me leave to expreſs the heart-felt ſatisfaction I enjoyed in the receipt of your letter, as it gave Lady Boughton, my wife, and ſelf, an opportunity of inſtantly obſerving your advice in all reſpects. I ſent for Dr Rattray and Dr Wilmer; they brought another gentleman with them. Mr Powell gave them the meeting, and upon receipt of your laſt letter, I gave it to them to peruſe, and act as it directed. The four gentlemen proceeded accordingly; and I am happy to inform you, that they fully ſatisfied us, and I wiſh you would hear from them the ſtate they found the body in, as it will be an additional ſatisfaction to me that you ſhould hear the account from themſelves. Sir Theodoſius made a very free uſe of ointments, and other things, to repel a large b—— which he had in his groin. So he uſed to do at Eaton, and at Mr Jones's, he told me often. I repeatedly adviſed him to conſult Dr Rattray, or Mr Carr; but as you knew Sir Theodoſius, you will not wonder at his going his own way, which he would not be put out off. I cannot help thinking, but that Mr Powell acted to the beſt of his judgement for Sir Theodoſius in this and the laſt caſe, which was but a ſhort time finiſhed before the latter appeared. Lady Boughton expreſſed her wiſhes to Sir Theodoſius, that he would take proper advice for his complaints, but he treated her's as he did mine. She and my wife join in beſt, &c.

5. *Sir William Wheler to Capt. Donellan.*

Dear Sir, *Lemington, Sept. 6.*

From the letter that I received from you yeſterday morning, I concluded, that the body of the late Sir Theodoſius Boughton had been opened, and that I ſhould receive an account from the faculty, of the ſtate that they found it in. I have not yet heard from them, but find that they found the body in ſo putrid a ſtate, that they thought it not ſafe to open it. I likewiſe find, that a young man of Rugby (Mr Bucknill) did attend, and offer to open the body, but it was not done. If Bucknill and Snow will do it, I by all means recommend it to you to let it be done, as it muſt be a ſatisfaction to you, as well as to myſelf, to have the cauſe of his ſudden death cleared up to the world. If there is any danger in opening the body, it is to themſelves, and not to the family, as the body may be taken into the open air. If I am not miſinformed, Mr Bucknill is or was very deſirous of opening the body. I am, &c.

If Snow is from home, I do not ſee any impropriety in Bucknill's doing it, if he is willing. I will ſend Snow to Bucknill, that if Bucknill ſhould be gone to Lawford, he may follow him.

6. *Capt. Donellan to Sir W. Wheeler.*

Dear Sir, { *Quarter before one o'clock, Wedneſday.*

In anſwer to yours which I this moment received, I now, as I did yeſterday in my letter, refer you, and any one that pleaſes, for the particulars reſpecting the ſtate Meſſ. Rattray, Wilmer, Powell, and another gentleman, found Sir Theodoſius's body in, to them. They, agreeable to your directions, were by themſelves upon that buſineſs, and I was in hopes you had ſeen them ſince I wrote to you yeſterday morning. Mr Bucknill, of Rugby, called here afterwards, and ſaid, that he heard, that we wiſhed to have the body opened. I told him we did, and that I wrote to the above gentlemen for that purpoſe, and that you had named them to us; and if you had named Bucknill we would have ſent to him, as we did to the other gentlemen. We fixed this day for the corpſe to be buried, as being the eighth day ſince Sir Theodoſius died: and if the coffin had not been ſoldered by the plumber, Crooke, of Rugby, Mr Bucknill ſhould be welcome to inſpect the body.

The

The time fixed for the burial is three o' clock to-day; and if you pleaſe to order it to be poſtponed, until the ſtate of the body is made known to you by the people you ordered to come here, pleaſe to let me know it before. If we do not hear from you, we conclude you have ſeen ſome of them; and leſt you ſhould not, I will ſend to Dr Rattray to call upon you directly, and bring with him my note to him, to come here with Wilmer to open Sir Theodoſius. We are, &c.

7. *B. Wilmer to Capt. Donellan.*

Sir, *Coventry, Sept. 6. Wedneſday.*

As ſoon as I am diſengaged from a midwifery caſe, which I am now attending, I will go to Sir William Wheler. Dr Rattray is out of town, but if he returns before I can leave Coventry, I will communicate your wiſhes to him. I am, &c.

8. *Mr Newſam to Capt. Donellan.*

Dear Sir,

I expect many gentlemen at my houſe this day, and I will communicate your wiſhes to Earl Denbigh, &c. I ſhould be happy, to have it in my power to be of any ſervice in this or any other affair to you, or any part of the family, and heartily with this melancholy affair may terminate to the ſatisfaction of every one. I am, &c.

9. *Copy of a letter from Sir William Wheler to Capt. Donellan, in anſwer to the letter Mr Donellan ſent to him, acquainting him of his having ſent for Dr Rattray and Mr Wilmer to open Sir Theodoſius, and of the ready acquieſcence of the family to the ſame.*

Dear Sir,

I have this mo nent received the favour of your letter, and I am very happy to find, that Lady Boughton, Mrs Donellan, and yourſelf, approve of having the body opened. I ſhould wiſh to ſhew Lady Boughton, and every part of her family, every reſpect that is in my power; but it would be very improper for me, or indeed any other perſon, except the faculty, to attend upon this occaſion. One ſurgeon, a Phyſician, and Mr Powell, ſhould attend as ſoon as poſſible. I hope that you underſtand, that it is not to ſatisfy my curioſity, but the public, that I wiſhed to have this done, and to prevent the world from blaming any of us that had any thing to do with poor Sir Theodoſius. I am, &c.

10. *Capt. Donellan to the Coroner, and Gentlemen of the jury, at Newbold.*

Gentlemen, *Lawford Hall, Sept. 14.*

My underſtanding from report that you are to meet again to-day, I hold it my duty to give you every information I can recollect, reſpecting the buſineſs which you are upon, excluſive of what appeared before you laſt Saturday, when Lady Boughton and ſelf was with you. During the time Sir Theodoſius was here, great part of it was ſpent in procuring things to kill rats, with which this houſe ſwarms remarkably: he uſed to have arſenic by the pound weight at a time, and laid the ſame in and about the houſe in various places, and in as many forms. We often expoſtulated with him about the extreme careleſs manner in which he acted, reſpecting himſelf and the family in general. His anſwer to us was, that the men ſervants knew where he had laid the arſenic, and for us, we had no buſineſs with it. At table, we have not, knowingly, eaten any thing for many months paſt which we perceived him to touch, as we well knew his extreme inattention to the bad effects of the various things he frequently uſed to ſend for, for the above purpoſes, as well as for making up horſe medicines. He uſed to make vaſt quantities of golard, from a receipt which he had from Mrs Newſam. She will give you a copy of it, if you pleaſe, and it will ſpeak for itſelf. Since Sir Theodoſius's death, the gardener collected ſeveral fiſh which Sir Theodoſius laid; he uſed to ſplit them, and rub the ſtuff upon them. The gardener was ordered to bury the fiſh. The preſent men ſervants and the former ones, for about two years back, with William Matthews, the houſe carpenter, can relate the particulars reſpecting the above having been Sir Theodoſius's common practice when he was able, or that he was not a-fiſhing, or attending his rabbits, or at carpenter's work. Lady Boughton, my wife, and myſelf, have ſhewed the utmoſt willingneſs to ſatisfy the public reſpecting Sir Theodoſius's death, by every act within the limits of our power. The accompanied letter from Sir William Wheler will teſtify the ſame, as well as our orders, that every one that came to the houſe ſhould ſee the corpſe before it was put into the coffin, the fourth day, and the eighth day the corpſe was ſent to the vault at Newbold. I am, &c.

Account

Account of Roſlin Chapel concluded. [176.]

Round the whole chapel within, is a belt or line of a vaſt variety of wreathing-work in baſſo relievo, proceeding in an horizontal and perpendicular way, the better to humour the ſoles of the windows; but it is arched over the tops of the two doors.

The inſide of the high-arched roof is all cut out into ſquares of various figures in flower-work, particularly roſes, foliage, &c.

The weſt gable is extended farther than the ſide walls of the chapel 26 feet ſouth, and as many north; and on the eaſt ſide of each extenſion there are two pillars equidiſtant from one another, and from each corner, which have been intended to run up into turrets or ſpires; from all which it plainly appears, that a much larger building has been deſigned to the weſt, of which the preſent chapel would have been only the choir. And indeed the marks on the weſt gable are very plain, from whence the ſide walls were to have been advanced, whoſe foundations have been diſcovered, in plowing up the ground, a good way weſtward. Theſe marks are about 91 feet diſtant from each other, and a ſmall part of the north wall, about three feet from the weſt gable, is actually built.

On the outſide of this gable, you ſee three large doors all filled up with ſtone and lime, whoſe lintles and ſome of the jambs are cut out into foliage and flower-work, and others of the jambs are figured into pillars with flowered capitals; the ſouth pilaſter of the ſouth door and the north pilaſter of the north door running up, each from its flowered capital, into ſmall genteel pillars, equally high in their capitals with the tops of the inner ſide-walls of the chapel.

There are ſeveral fonts curiouſly ornamented on the outſide of the weſt wall, particularly two, one on the north, the other on the ſouth, of the three doors, each of which is incloſed within two very pretty little flowered pillars or ſpires, ending in top with pieces of ſculpture reſembling ſmall flowered vaſes.

Between the ſaid north and middle door, as high as their hyperthyrons, there is the figure of a man ſtanding, and tied to a rock by his middle and ancles, with his hands tied behind his back, and having a human figure ſitting at each foot, and holding the rope with which he is tied. Of this figure I can conjecture no other meaning, than that of St Michael upon a rock; which receives ſtrength from the conſideration that the princely founder of this chapel was honoured with being one of the knights of the *Cockle*, after the order of France, which, among other emblems, has a medal hung upon the breaſt, repreſenting St Michael upon a rock, whence they are called *Knights of St Michael. Hay, vol. II. p.* 234. *and* 313.

There are alſo ſome cherubs on the outſide of the weſt gable, with ſcrolls waving from hand to hand.

William St Clare, Prince of Orkney, Duke of Holdenbourg, Earl of Caithneſs, &c. &c. &c. Baron of Roſlin, &c. &c. &c. the 7th of the name from the days of Malcolm Keanmore, and deſcended of noble parents in France, founded this moſt curious chapel or college, for a provoſt, ſix prebendaries, and two ſinging boys, in 1446, and dedicated it to St Matthew the apoſtle and evangeliſt; but Slezer erroneouſly ſays in 1440, and gives an outſide view of this rare edifice from a copper-plate, which, by the by, ſeems inferior to thoſe, only in pen and ink work, given by *Mr Hay, vol. II. p.* 362. 527. *and* 531.

The ſacriſty, or veſtry, was founded by his firſt lady, Dame Eliſabeth Douglas, formerly Counteſs of Buchan, and daughter of Archibald, the ſecond of that name.

Prince William endowed the chapel with the church-lands of Pentland, four acres of meadow near that town, with the Kips, and eight ſowms graſs in the town of Pentland. — A ſucceſſor of his, alſo William of Roſlin, endowed it, by his charter of February 5. 1523, with ſome portions of land near the chapel, for dwelling-houſes, gardens, &c. to the provoſt and prebendaries. *Hay, vol. II. p.* 505. &c. And yet ſuch is the inſtability of human affairs, juſt 48 years after this laſt endowment, in 1571, February 26. we find the provoſt and prebendaries reſigning, as by force and violence, all and every one of the ſeveral donations into ſecular hands unalienably; and withal complaining, that, for many years before, their revenues had been violently detained from them; inſomuch that they had received little or no benefit from them. *Quemadmodum*, ſay they, *multis jam annis elapſis, a nobis violenter detentæ fuerunt, ut inde vel parum vel nihil proficui*

ficui reciperimus. To this deed of reſignation, or charter, as it is actually called, the ſeal of the chapter of this collegiate church was appended, being St Matthew in a kirk, red, upon white wax, as alſo the ſeal of the then Sir William Sinclair of Roſlin, being a ragged croſs red, upon white wax. *Hay, vol. 2. p.* 530. who adds, *The ſubſcribers can ſcarcely write*; and they are, *Dominus Johannes Robeſon præpoſitus de Roſlin, Dominus Johannes How vicarius perpetuarius de Penicuik, manu ſua, Henricus Sinclar prebendarius, W. Sinclar of Roſlin*, knight. *Coram his teſtibus* (ſays the copy of the charter), *Magiſtro Johanne Henryſon de Bunge, Patricio Douglas, Roberto Kle.*

In the charter of February 5. 1523, four altars are particularly named; 1ſt, that of St Matthew; 2dly, that of the Virgin Mother; 3dly, that of St Andrew; and, 4thly, that of St Peter; which two laſt, perhaps, have been leſſer altars placed at two of the pillars; or rather, I am inclined to think, as formerly hinted, that the large altar has been divided into two or three; which, with the high altar, and that of the bleſſed Virgin, which has been, I ſuppoſe, in the ſacriſty, tho' there be no veſtige of it now, make four or five in all.

That this noble deſign might be executed according to taſte, and with the greater ſplendour, the Prince invited the moſt accompliſhed artificers, maſons, carpenters, ſmiths, &c. from foreign parts, and that they might be the more conveniently lodged, for carrying on the work with the greater eaſe and diſpatch, he ordered them to build the village or town of Roſlin, where it now is, nigh to the chapel, having been formerly half a mile diſtant from its preſent ſituation; and he gave each of them a houſe and lands in proportion to character. Beſides, he gave to the maſter-maſon 40 pounds, and to every other maſon 10 pounds, yearly; and rewarded the other workmen with ſuch wages as their labours intitled them to.

About that time the town of Roſlin, being next to Edinburgh and Haddington in all Lothian, became very populous, by the great concourſe of all ranks and degrees of viſitors, that reſorted to this Prince at his palace or caſtle of Roſlin; for he kept a great court, and was royally ſerved at his own table in veſſels of gold and ſilver; Lord Dirleton being his maſter-houſehold, Lord Borthwick his cup-bearer, and Lord Fleming his carver; in whoſe abſence they had deputies to attend, viz. Stewart, Laird of Drumlanrig, Tweedie, Laird of Drumerline, and Sandilands, Laird of Calder. He had his halls and other apartments richly adorned with embroidered hangings. He flouriſhed in the reigns of James I. and II. — His Princeſs, Elizabeth Douglas, already mentioned, was ſerved by 75 gentlewomen, whereof 53 were daughters of noblemen, all clothed in velvet and ſilks, with their chains of gold and other ornaments, and was attended by 200 riding gentlemen in all her journeys; and if it happened to be dark when ſhe went to Edinburgh, where her lodgings were, at the foot of the Black-Friar wynd, 80 lighted torches were carried before her. In dignity ſhe was next to the Queen. *Hay, vol. 2. p.* 234.

The village of Roſlin was erected into a burgh of barony by K. James II. at Striveling, June 13. 1456, with a weekly market on Saturday, a yearly fair on the feaſt of St Simon and Jude, a market-croſs, &c. The ſame is confirmed by K. James VI. Jan. 16. 1621; and by K. Charles I. May 6. 1650. *Hay, vol. 2. p.* 284.

The Princely founder and endower of this chapel died about 1484, *Hay, vol 2. p.* 477. before the chapel was finiſhed; which was done by his eldeſt ſon of the ſecond marriage, Sir Oliver St Clare of Roſlin, whoſe mother was Lady Marjory Sutherland, deſcended of the blood royal, her great grandmother, Jane Bruce, being younger daughter of King Robert Bruce. So that the building of this glorious edifice, worthy of a crowned head, tho' the work of a ſubject, has employed at leaſt 40 years; and it is a pity we cannot now come to the knowledge of the total expence, which muſt have been a very great ſum in thoſe days. The father was alive for certain in 1476, as we find him granting charters on September 9. of that year to his ſon the foreſaid Sir Oliver. *Hay, vol 2. p.* 289, *and* 296.

Of late years this chapel was in great danger of becoming quite ruinous thro' the injuries of the weather; but, to the honour of Gen. ST CLARE, be it remarked, that he has happily prevented that, by putting new flag-ſtones on the roof, and

new wooden caſements with glaſs into all the windows. He likewiſe laid the floor of the chapel with new flag-ſtones, and rebuilt the high wall round the cæmeterie; ſo that one may venture to ſay, theſe repairs have coſt a very conſiderable ſum.

P. S. It was thought improper to inſert the many titles of the worthy and pious founder in the body of the work; and therefore they are here ſubjoined:

WILLIAM ST CLARE, Prince of Orkney, Duke of Holdenbourg, Earl of Cathneſs and Strathern, Lord St Clare, Lord Nithſdale, Lord Admiral of the Scots ſeas, Lord Chief Juſtice of Scotland, Lord Warden of the three marches betwixt Berwick and Whithorne, Baron of Roſlin, Pentland and Pentland Moor in Free Forreſtrie, Coutland, Cardain St Clare, Herbertſhire, Hectford, Graham Shiws, Kirktone, Civers, Newborough, Roxburgh, &c. Knight of the Cockle after the order of France, and Knight of the Garter after the Order of England, Great Chancellor, Chamberlain, and Lieutenant of Scotland. ——

"Titles to weary a Spaniard," ſays Mr Richard Auguſtine. *Hay, vol. 2. p. 242.*

AMERICA. [194.]

A letter from Sir James Wright, Governor of Georgia, to Lord G. Germain, dated Savannah, March 9. appeared in the London Gazette of May 22. viz. "On the 6th inſtant, my Lord, I aſſented to five bills, and have the ſatisfaction to acquaint your Lordſhip, that one of them is intitled, "an act for granting to his Majeſty certain duties upon all goods, wares, and merchandize, of the growth or production of this province, which may be exported from hence, as the contribution of Georgia to the general charge of the Britiſh empire." Theſe duties, my Lord, his Majeſty's loyal ſubjects in this province have freely and chearfully given and granted, and humbly beg that his Majeſty will be graciouſly pleaſed to condeſcend to accept of the ſame as a ſmall token of their gratitude to his Majeſty, and affection to the mother-country. A duty of five per cent. was propoſed, but the greatly diſtreſſed, reduced, and exhauſted ſtate of the province, it was thought, would not admit of laying on ſo large a duty at preſent; and therefore it is only two and half per cent. Another is intitled, "An act for ſecuring his Majeſty's government and the peace of this province, and for the more effectual protection of the King's loyal ſubjects here againſt the wicked attempts and deſigns of the rebels and other diſaffected perſons, and for other purpoſes herein after mentioned."

Extract of a letter from an officer in America, dated, Portſmouth, March 29.

"Ever ſince our arrival here [157.] we have been full of buſineſs. A rebel army of between 3 and 4000 men conſtantly within eight miles of us, and continually firing at our working parties; and for the firſt three weeks, ſcarce a day paſſing without a ſkirmiſh, in which we loſt ſome men, the rebels ſuffering in their turn. After we had made the place tenible, foraging parties were ſent out, which were generally ſucceſsful, the rebels always avoiding to come to action. Col. Dundas, of the 82th regiment, one Sunday, fortunately fell in with a detachment of theirs, when he took their colonel priſoner, and 20 men, killed a lieutenant and 17 men; the reſt, to the number of 80, got off. He alſo took a clergyman priſoner, who was coming from church, armed with a ſword and a brace of piſtols. The 16th of February, a French ſquadron, conſiſting of one 64 gun ſhip, and two large frigates, appeared in the river almoſt within gunſhot, on which the rebels grew bold, and made a ſhew as if they intended to ſtorm the works; but to prevent the effuſion of blood (as they termed it) their two Generals Mecklenburgh and Nelſon, with the French Commodore, ſent a ſummons for us to ſurrender, or expect no quarter: they gave us twelve hours to conſider of it. This tremendous meſſage was treated with the contempt it deſerved, and we began to prepare for them. The next day they appeared in force in various parts of the wood, out of gun ſhot. We then really expected an attack, and were all at our alarm poſts; but they contented themſelves with forcing in our picquet, who did ſome execution by firing among them, thereby killing about 20. We loſt 4 yagers; and had 1 captain and 6 men wounded, and 5 taken. The French ſquadron got under weigh at the ſame time, and ſtood out to ſea; and the rebels

bels removed their camp to Suffolk. The 10th inſtant, having got our works almoſt completed, we were ſurpriſed to find them coming again to diſturb us with a larger force than before, having been joined by ſome Continental light horſe. They came within three miles of us. Had we had force enough to have made a ſally, no doubt but we ſhould have beat up their quarters; but our garriſon in all did not conſiſt of above 1400 men; few enough to man our works. But little did we think what this great parade of theirs portended; no leſs than the whole French fleet and army in this part of the world were coming to back them. They had ſailed from Rhode iſland ſome days before, having on board 2000 land-forces. Fortunately our fleet fell in with them on the 16th inſtant off the Delaware: An action enſued, which laſted an hour and ten minutes, though nothing deciſive followed, as the French fleet ran away, leaving ſome of our ſhips much diſabled. However, it had the good effect of entirely overſetting French and American politics, and ſaving our ſquadron and army from falling into their hands. As uſual, when actions of this kind happen, our ſea commanders quarrel. Every body allows more might have been done, as in ſhips we were ſuperior, having one 98 gun ſhip for their 80, and one 50 for their 40. The whole brunt of the fight fell on the Robuſt, Prudent, and Europe, which behaved moſt gallantly. The Robuſt, in particular, turned the van of the French line, and for a conſiderable time engaged three ſhips at once. The Prudent made one line of battle ſhip ſtrike twice to her, but the French Admiral fired ſome ſhot into the French ſhip, and obliged her to hoiſt her colours again. The Europe was twice beat out of the line by an 80 gun ſhip, and returned again. As for the two Admirals, they had little ſhare of the action, and the ſhips aſtern of them never came in, owing to the blunder of ordering the ſignal for the line at two cables length aſunder, and keeping it up the whole time; whereas had he hauled it down, our ſhips would have each taken one of the enemy's, and have ſtuck by her, when, no doubt, almoſt the whole of the French fleet would have been taken, ſunk, or deſtroyed, as they were in the greateſt confuſion when they ſaw our fleet. Our loſs is very trifling in killed and wounded, not more than 120. The French muſt have loſt numbers of men, as their ſoldiers were ſix deep on the gangway back on the booms. The Admiral has muſtered all his force here, and we have no leſs than 25 of his Majeſty's ſhips now riding in the Cheſapeak. Two days ago a fleet of tranſports, having on board 2000 men, under the command of Gen. Phillips, arrived here. The troops immediately landed, and marched to Portſmouth; but the rebels had got the ſtart of them, and had retreated about fifty miles back. I ſince underſtand moſt of the militia are gone home ſick of the campaign, having lain in the woods without tents all the winter. Indeed, in the garriſon we never ſlept with our clothes off, and one half always lay in tents in their alarm-poſts."

London Gazette, April 28. 1781.

"*Whitehall, April* 24. Diſpatches were this day received from Sir H. Clinton to Lord G. Germain, by the Mercury packet, of which the following are extracts.

"My Lord, *New York, March* 1. In a letter of Feb. 24. (which was ſent to England by the Adventure brig, and of which a duplicate is tranſmitted herewith), I had the honour of giving your Lordſhip all the information I could with propriety do by ſuch an uncertain conveyance. I therein told your Lordſhip, that the packet waited only for the Admiral's diſpatches for Europe. But circumſtances began to aſſume ſuch an appearance at the time of their arrival, that I thought it proper to detain her a little longer, in hopes of being able to give your Lordſhip a clearer detail of events (which ſeemed to promiſe the moſt important conſequences) than was then in my power to do.

On the 16th ult. I received information from Vice-Adm. Arbuthnot, that the French fleet at Rhode iſland were all ready for ſailing, ſuppoſed for the Cheſapeak; and that a number of troops were imbarked in tranſports to accompany them. I immediately upon this directed a large proportion of troops, moſt of them the elite of my army, to be ready at a moment's warning to imbark, with Maj.-Gen. Phillips, under ſuch convoy as the Vice-Admiral ſhould think proper to appoint; though I muſt, at the ſame time, confeſs to your Lordſhip, that I then imagined their object to be an attack of our fleet in Gardiner's bay,

(in its weak ſtate, from the entire loſs of one 74, the abſence of one ſhip of the line and a 50, and another of 74 being diſmaſted); and I was the more inclined to form this opinion (which I had alſo given to the Admiral) from the rebels having made no movements whatſoever in their camp which indicated any intention of detaching to the ſouthward.

I was, however, on the 19th, alarmed by information from Brig.-Gen. Arnold, dated the 14th, that a French 64 and two frigates blocked the Cheſapeak, and had placed themſelves in a ſituation to favour a co-operation againſt our poſt at Portſmouth. I diſpatched this intelligence to the Admiral without delay; but I am apprehenſive, that he had no certain information of theſe ſhips being part of the Rhode iſland ſquadron until the 21ſt, (though they ſailed from thence the 9th), as he ſuggeſted to me nothing of ſuch a movement before his letter of that date, (which was only two days before their return thither, with the Romulus man of war, which they had taken at the entrance of the Cheſapeak), elſe I am perſuaded the Admiral would have ſent to Virginia an adequate detachment from his fleet, which was now become more reſpectable by its being rejoined by the two ſailing ſhips, and the Bedford's having got in her jury maſts.

March 1. At this time I received information, that the rebel Gen. Waſhington had made a conſiderable detachment to the ſouthward under the Marquis de Fayette, clearly marking an intention of either attempting ſomething againſt our poſts on Elizabeth river, or reinforcing the army under the rebel general Green. Of this I likewiſe ſent immediate notice to Vice-Adm. Arbuthnot; and (though I had indeed taken for granted he had already detached a proper number of ſhips to clear the Cheſapeak) ſubmitting to him, if he had not done it, the propriety of doing it directly.

March 4. I now immediately embarked the troops deſtined for this ſervice; and I directed them to be placed in a ſituation from whence they might proceed to ſea at a moment's notice, having reaſon every hour to expect the Admiral's appearing with his ſquadron to convoy them, eſpecially as I had juſt received a letter from him, dated the 2d, to that effect; and acquainting me, that he had that morning received *undoubted* intelligence, that 1600 French troops imbarked the 25th, to which more were to be added; and that they were ſuppoſed to have ſailed for the Cheſapeak on the 27th.

On the 7th I received another letter from the Admiral, dated the 4th, ſaying, "He would move *immediately* with the ſhips, ſending a frigate to reconnoitre Rhode iſland in paſſing, and regulate his meaſures with reſpect to *calling off the Hook*, by what is diſcovered there; and that he had ordered the Richmond, Orpheus, and Savage, to proceed with the reinforcement, in caſe *he ſhould not call off the Hook*."

From theſe letters I was induced to expect, that I ſhould either ſee or hear from the Admiral before the expedition moved from hence; but, by his orders to the naval commanding officer in this port, (of the ſame date, and ſent, I ſuppoſe, at the ſame time, with his letter to me of the 4th), "directing him to proceed with the tranſports to the *Cheſapeak with all poſſible expedition*; and if I declined ſending any reinforcement to Virginia, requiring him *poſitively* to join the *Admiral in the Cheſapeak with all poſſible diſpatch*," it ſeemed to appear, that the Admiral was already ſailed to that bay. Capt. Hudſon, who commanded the King's ſhips, underſtood this alſo as a *poſitive order* for him to *proceed immediately*. I however thought it ſingular, that Capt. Hudſon ſhould receive from the Admiral ſuch poſitive orders to ſail immediately to the Cheſapeak, when his letter to me of the ſame date (recapitulating theſe orders) only ſays, that he is directed to do ſo, *in caſe the Admiral does not call off the Hook*. Having, therefore, no means of aſcertaining whether the Admiral was gone to the Cheſapeak or no, or whether he had even ſailed from Gardiner's bay, or whether the whole or any part of the French fleet had moved from Rhode iſland to the Cheſapeak, I thought it right to ſubmit to Capt. Hudſon the propriety of ſtaying *a little longer*, in expectation of this matter being cleared up, either by the Admiral's appearance off the Hook, or at leaſt a meſſage from him declaratory of his intentions, as, during our preſent uncertainty, I did not think it adviſable to let the troops go, before I heard again from the Admiral; with which he was ſo obliging to acquieſce.

I immediately after this wrote again to the Admiral, informing him, that the expedition to the Cheſapeak only waited his

his orders; and earneſtly requeſting, that he would, without loſs of time, favour me with his *poſitive advice reſpecting this very ſerious and intereſting ſubject*; becauſe, as long as I had reaſon, from his information, to ſuppoſe that part of the French fleet were gone to the Cheſapeak, I could not think of riſking ſuch a corps of troops under the convoy of only two frigates, unleſs I was aſſured that he was in a ſituation to cover them.

March 11. Soon after this letter was diſpatched, information arrived from Brig.-Gen. Arnold, dated the 8th, that the Cheſapeak was entirely clear of a French naval force. By which, being perſuaded that the report of one having ſailed thither from Rhode iſland on the 27th ult. was not founded, I did not heſitate a moment to give it to Capt. Hudſon as my opinion, That the expedition ſhould ſail, without loſs of time, under the convoy the Admiral had allotted for it; ſuggeſting to him, at the ſame time, whether he had not better take with him all the King's ſhips now here, or which he might fall in with on his paſſage. I was alſo more ſtrongly confirmed in this opinion by a letter I received from the Admiral, dated the 8th, informing me, "That, in conſequence of *undoubted intelligence* received at two o'clock that afternoon, that the French fleet and troops are evacuating Newport with the greateſt expedition, and that their deſtination is certainly for Virginia."

March 14. This day a letter, dated the 11th, at ſea, was brought to me from the Admiral by the Halifax ſloop of war, Capt. Bowers, who fortunately fell in with him off Montauk point, the 10th inſtant. In addition to what the Admiral ſays, Capt. Bowers informs me, that the whole French fleet ſailed from Newport on the 8th inſtant. I am not without hopes, that, as the Admiral is clear of all incumbrance, notwithſtanding they had two days ſtart of him, he will overtake them before they get the length of the Cheſapeak, ſhould that be *really* their deſtination. But, ſhould the Vice-Admiral be ſo fortunate to overtake the French fleet before they reach the Cheſapeak, I have every hope of his ſucceſs, which ſo fine a fleet, and the abilities of its commander, can give me.

From Brig.-Gen. Arnold's letters to me, your Lordſhip will perceive he is under no apprehenſions of any ſudden misfortune: And with reſpect to the rebel troops marched to the ſouthward under Fayette, I have no doubt their progreſs (at leaſt by water) will be impeded, if the officer commanding the King's ſhips in the Cheſapeak has availed himſelf of the information I have ſent him; nor do I think they can arrive near our poſts before the 20th at ſooneſt. The reinforcement under Gen. Phillips waits only for a wind to go to ſea. I wiſh it could have been ſtronger; but I have not another tranſport left; thoſe ſent to Virginia with Gen. Arnold remaining ſtill there, I ſuppoſe for want of convoy to bring them back."——

Ditto to ditto.

"My Lord, *New York, March* 27. I have the honour to inform your Lordſhip, that the convoy to Maj.-Gen. Phillips's expedition having been conſiderably reinforced by Vice-Adm. Arbuthnot's orders, ſailed for the Cheſapeak on the 20th inſtant; but contrary winds having detained the packet for ſome days, I did not think it proper to ſend her after the wind came fair, as I was in hourly expectation of hearing from the Admiral ſomething very intereſting.

Having therefore received yeſterday a letter from him, informing me of his having come up with the French fleet off the Capes of Virginia, and engaged them on the 16th inſtant; I have the honour to ſend your Lordſhip a copy of his letter herewith.

I ſincerely wiſh that this action had fortunately been more deciſive than it appears to be; but if the French have been prevented by it from eſtabliſhing themſelves in the Cheſapeak, a very great point is certainly gained."

Admiralty-office, April 24. 1781. Capt. Balfour arrived this morning with diſpatches from Vice-Adm. Arbuthnot to the Admiralty, of which the following are copy and extract.

Vice-Adm. Arbuthnot to Mr Stephens, dated, Royal Oak, in Lynne-haven bay, March 20. 1781.

"My letter of the 15th ult. by the Mercury packet will have acquainted their Lordſhips with the loſs of the Culloden, and diſmaſture of the Bedford, in a gale of wind on the 23d of January, at the eaſt end of Long iſland, and of the abſence of the America, which at that time was driven to ſea, but returned without damage on the 8th ult.

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In the mean while every poſſible exertion was made to get the lower maſts out of the Culloden, for the Bedford; but the weather was ſo exceedingly ſevere and tempeſtuous, that it was not effected until the 1ſt inſtant.

The enemy deriving courage and confidence from theſe misfortunes, at one time, during the abſence of the America, and believing that the Bedford alſo was loſt, meditated an attack upon us; which, however, they laid aſide, after their emiſſaries had reconnoitred our poſition in Gardiner's bay.

An attempt was next made againſt our naval force employed to co-operate with Brig.-Gen. Arnold in Virginia. I received early intimation of their intentions, and accordingly put theſe officers upon their guard. This was to have been executed by the Eveillé, a coppered 64, and two frigates, which ſailed from Rhode iſland on the 8th of February; but finding it impoſſible to ſucceed in that quarter, left it on the 19th following.

I had, on the communication of this intelligence, diſpatched the Charleſtown to Carolina, to order the Chatham, (of whoſe arrival I had been informed), with the Roebuck, Romulus, and ſome frigates, to proceed to Virginia, and endeavour to cut off their return; which, however, was rendered abortive by the ſhortneſs of their ſtay. I am ſorry to add, that they fell in with and captured the Romulus on their paſſage back, off the Capes of Virginia, as ſhe was proceeding thither from Charleſtown to relieve the Charon; having failed, in conſequence of a prior engagement, before the Charleſtown could reach her.

It was now neceſſary, from the diſcontents in the rebel army, and among the minds of the people, to attempt ſomething to revive a drooping cauſe; the danger of Virginia, from the enterpriſing ſpirit of Brig.-Gen. Arnold, had he been ſtrengthened, which was likely to happen, muſt become imminent; the plan, therefore, adopted by the rebels and their allies, was by a combined operation to attack him, and, by reducing him and his detachment, to ſet at liberty the whole force of the ſouthern provinces, to act againſt Lord Cornwallis in Carolina. The parties from Mr Waſhington's army, under the Marquis de Fayette, were to proceed down the Elk, by the way of Maryland; whilſt a large body of Virginian militia, under a Mr Nelſon in this colony, were collecting to attack him, in concert with the French troops commanded by the Count de Rochambault. I had the honour to give information of theſe deſigns to Sir Henry Clinton at New York; and as my intelligence from Rhode Iſland was frequently and accurately repeated, the objects for the ſervice of the ſquadron became clear and open to my view.

The ſeaſon the enemy choſe to execute this meaſure was while the Bedford was rematting. The lower maſts of the Culloden having been brought into Gardiner's bay, ſhe hauled alongſide the London, and got them in on the 5th inſtant, and was completely rigged and ready for ſea the 9th.

The enemy, I preſume, were very ſoon appriſed of the Bedford being entirely ſtripped; and conceiving this work would take up a conſiderable time, began to embark troops on the 5th. By the 8th near 2000 of their troops were put on board the ſquadron, which had been previouſly prepared in other reſpects, and puſhed to ſea with a ſtrong eaſterly gale the evening of the ſame day.

On the 9th the whole of his Majeſty's ſquadron under my command fell down to the entrance of Gardiner's bay; and the next morning, juſt before I weighed, I received corroborative information from Sir Henry Clinton, that very conſiderable detachments were ſending to the ſouthward from Mr Waſhington's army; but his Excellency did not appear to have any immediate idea of reinforcing Brig.-Gen. Arnold with troops. Suppoſing, however, that he might afterwards judge it neceſſary, as his ſituation would become extremely critical, I directed Capt. Hudſon of the Richmond, the ſenior officer at New York, to take his Excellency's ſentiments on the ſubject; and, ſhould it be deemed proper, to take under his convoy the troops that might be ſent to aid thoſe already employed in Virginia; but, ſhould his Excellency think ſuch relief unneceſſary, he was to join me off the Cheſapeak with the Richmond, Orpheus, and any others of his Majeſty's ſhips that might arrive at New York in the interim.

On the 10th I cleared the coaſt of Long iſland with the ſquadron, and proceeded to the ſouthward as expeditiouſly as poſſible, in the hope of being able to fight

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the enemy before their entry to the Chefpeak, or, if practicable, to attack them there.

On the 13th, in lat. 39 : 30 north, within a few leagues of the coaft, I fpoke a veffel from London for New York, which had feen the French fquadron the day before, a degree to the fouthward, conſiſting of eight ſail of large ſhips, three frigates, and a tender. I parted from her the ſame evening, and ſteered ſuch a courſe as would beſt enable me to intercept it.

The ſame evening a gale from the N. W. was exceedingly favourable to the purſuit, and puſhed the ſquadron on. Its violence, however, appears by the event to have equally retarded the enemy, which muſt have lain to while it laſted.

On the 16th, at ſix A. M. the Iris made the ſignal for diſcovering five ſtrange ſail to the N. N. E. and ſoon afterwards hailed, that they were large ſhips ſteering for the Capes of Virginia, and ſuppoſed to be diſtant about three miles. I immediately concluded it muſt be the enemy I was in ſearch of; and accordingly prepared the ſquadron for battle, by forming the line a-head a cable's length aſunder, on a wind which was then freſh, and proceeding towards them with a preſs of ſail. At this time Cape Henry bore S. W. by W. diſtant about fourteen leagues, wind at weſt; the French bearing from us N. N. E.; the weather ſo hazy, that the length of the Britiſh line could ſcarcely be diſcerned.

At a quarter of an hour after eight A. M. the wind veered to N. W. by W. and ſoon after to N. by W. which gave the enemy the advantage of the weather-gage. About this time ſeveral of the enemy's ſhips were diſcovered to windward, manœuvring to form their line.

At twenty-five minutes after eight, the Guadaloupe ranged up under our lee, bringing the ſame intelligence with that already given by the Iris, and was ordered to make ſail, and endeavour to keep ſight of the enemy.

At thirty-five minutes after eight, I directed the Iris by ſignal to make ſail a-head, and keep ſight of the enemy, as the haze appeared to thicken. The Britiſh line was by this time completely formed, and cloſe hauled on the larboard tack.

At twenty minutes after nine the headmoſt of the French ſhips tacked, as did the reſt in ſucceſſion, and formed the line on the ſtarboard tack.

At thirty-five minutes after nine, the weather being very ſqually, I formed the line a-head, at two cables length aſunder.

At a quarter of an hour after ten, I made the ſignal for the ſquadron to tack, the headmoſt and weathermoſt firſt, and gain the wind of the enemy.

At a quarter of an hour after eleven, the headmoſt of the French line tacked; but one of them having miſſed ſtays, the reſt wore, and formed the line on the larboard tack.

At forty minutes after eleven, I reformed my line, at one cable's length aſunder.

At twelve o'clock, there being a proſpect of the van of my line reaching the enemy, the whole of my line tacked by ſignal, the van firſt, and the leading ſhip continuing to lead on the other tack.

At ten o'clock the French ſquadron having completed their form in a line a-head, conſiſting of eight two deckers, bore E. by S. the Britiſh line cloſe hauled, ſteering E. S. E. wind at N. E.

At half an hour after one o'clock, the enemy being very apprehenſive of the danger and inconvenience of engaging to windward, from the high ſea that was running, and ſqually weather, wore and formed their line to leeward of the Britiſh line.

At two o'clock the van of my ſquadron wore in the line, and in a few minutes the Robuſt, which led the fleet, and afterwards behaved in the moſt gallant manner, was warmly engaged with the van of the enemy.—The ſhips in the van and center of the line were all engaged by half an hour paſt two, and by three o'clock the French line was broke; their ſhips began ſoon after to wear, and to form their line again, with their heads to the ſouth-eaſt into the ocean.

At twenty minutes after three, I wore and ſtood after them. I was ſorry to obſerve the Robuſt, Prudent, and Europe, which were the headmoſt ſhips, and received the whole of the enemy's fire at their rigging as they bore down, ſo entirely diſabled, and the London's main-top-ſail-yard being carried away, (the two firſt unmanageable, lying with their heads from the enemy) as to be incapable of purſuit, and of rendering the advantage we had gained deciſive.

At half an hour after four the haze came

came on ſo very thick, as entirely to intercept the enemy from my view. The Medea joined me ſoon after, which I directed to follow, and obſerve the rout of the enemy, while I proceeded with the ſquadron to the Cheſapeak, in the hope of intercepting them, ſhould they attempt to get in there.

At ſeven o'clock I brought to with the ſquadron, to put the diſabled ſhips in a ſituation to execute theſe intentions.

Next morning I made ſail, and the ſame evening (the Robuſt being towed by the America, and the Prudent by the Adamant,) anchored with the whole ſquadron about three leagues to the eaſtward of Cape Charles, within Cape Henry: the evening after, the whole ſquadron anchored in Lynne-haven bay.

I cannot but regret the early flight of the enemy prevented the action from becoming general.

I have had a conference with Brig.-Gen. Arnold, and find his force began to be preſſed for proviſions, as well as by the formidable combination againſt him. Fayette's continental detachment is blocked up at Annapolis by his Majeſty's ſloops the Hope and General Monk. The rebel militia, diſaffected to the ſervice, will ſpeedily diſperſe; and the Count de Rochambault muſt ſeek another opportunity of viſiting Virginia. The plan of the rebel campaign is entirely diſconcerted; and I flatter myſelf theſe events will be productive of very ſolid advantages to his Majeſty's ſervice.

I have detached frigates after the enemy, and ſhall put to ſea immediately with the ſquadron, to follow their movements, and bring them if poſſible to a ſecond action. In this fight they muſt have loſt great numbers of their men, though their rigging ſuffered little to appearance.

I have the honour to incloſe a return of the killed and wounded.

Capt. Balfour, who is charged with the delivery of this letter, ſerved as a volunteer for ſix weeks on board of the Royal Oak, and was with me in the day of action."

Vice-Adm. Arbuthnot to Mr Stephens, dated, Royal Oak, Lynne-haven bay, March 30.

"In continuation of my letter of the 20th inſtant, I have the honour to acquaint you, that I put to ſea with the ſquadron under my command on the morning of the 24th, and ſteered a courſe for the Delaware, where it was conceived likely the enemy might endeavour to take refuge; but as the ſtate of the weather towards noon appeared to indicate a gale, which is generally expected at this ſeaſon, I judged it adviſeable to return to the bay, where I anchored the ſame evening.

The next day and the following we had the wind from the northward, which, had we been at ſea, muſt inevitably have crippled ſome of our ſhips, or driven me very conſiderably to the ſouthward.

On the 26th a reinforcement of troops, in number about 2000, commanded by Maj.-Gen. Phillips, arrived from New York, under the eſcort of Capt. Hudſon of the Richmond, with the Orpheus, Chatham, Savage, Halifax, Bonetta, and Vulcan fire-ſhip. At the ſame time the Iris and Pearl, which had been detached to obſerve the rout of the enemy, returned without having diſcovered them; the former had ſprung her main-maſt in the late gale.

The Medea was immediately diſpatched to reconnoitre the Delaware.

The army under Maj.-Gen. Phillips were immediately forwarded to Portſmouth; and the junction effected between the forces at preſent there under Brig.-Gen. Arnold.

I wait with great impatience to embrace the firſt opportunity to put to ſea, which I ſhall ſeize the moment it offers. For theſe laſt two days the weather has been ſo ſqually, as to preclude all communication by boats between the ſhips of the ſquadron."

Line of Battle, and liſt of Killed and Wounded.

The America to lead with the ſtarboard, and the Robuſt with the larboard, tacks on board.

			Guns.	*M.*	*K.*	*W.*
America	Capt.	Thompſon	64	500	—	3
Bedford	——	Affleck	74	600	—	—
Adamant	——	Johnſtone	50	350	—	—
London	R.-Ad Graves, Capt. Graves		98	768	—	3
Royal Oak	Vice-Ad. Arbuthnot, Capt. Swiney		74	624	—	3
Prudent	Capt.	Bornett	64	500	7	24
Europe	——	Child	64	500	8	19
Robuſt	——	Coſby	74	600	15	21
Frigates: Guadaloupe, Iris, Pearl to repeat ſignals.						
Total killed and wounded,					30	73

Officers killed and wounded.

Killed: Hon. Lieut. Lyttelton, of the Robuſt.

Wounded: Maſter of the America.

A

A liſt of the French fleet on the 16th of March.

Neptune (coppered)			84
Burgogne (coppered)			84
Conquerant	—		74
Provence	—	—	64
Ardent	—	—	64
Jaſon	—	—	64
Eveillé (coppered)			64
Romulus	—	—	40

Frigates: Hermione, Gentile, Fantaſque en flute

"*New York, March* 23. The laſt accounts from Canada inform us, that a body of rebels, from 450 to 500, having marched from the Illionois with a deſign of attacking the Britiſh poſt at Le Detroit, (in which they were favoured by a number of the diſaffected in that ſettlement, who had concealed 500 ſtand of arms to aſſiſt them in the deſcent), were intercepted by a body of troops, militia and Indians, and every man of them put to death. Their detected confederates at Detroit were ſent under a guard to Montreal."

"*New York, March* 28. By a letter from a gentleman in Penobſcot to his friend in this city, we learn, that Capt. Long, in the privateer ſchooner Argyle, of that port, ſailed from thence on the 15th of February. On the 17th they came to anchor about four miles diſtant from where Brig.-Gen. Wadſworth had his head-quarters, at Thomaſtown near Camden. Capt. Long, with thirteen of his men, landed; he and three ſtaying behind to ſecure their boats in caſe of accident, Lieut. Stockton, of the King's Rangers, and Mr M'Nabb, a volunteer in the 74th regiment, with eight ſailors, proceeded to Thomaſtown, arrived about twelve o'clock at night, ſtormed the houſe in which the General was, and took him and three of his men priſoners; the reſt, except ſome wounded, who were left behind, making their eſcape. They conveyed him ſafe on board the Argyle, and returned to Penobſcot the 18th with their priſoners. The General was the rebel Commander in Chief from Portſmouth in New Hampſhire, and was ſecond in command when the rebels attacked Penobſcot; has been very active in perſecuting the loyaliſts, and lately had a poor man executed for piloting ſome priſoners through the woods. We further learn, that a number of the moſt perſecuting rebels, one of them named Sullivan, brother to the General, have been lately carried off, and are now on board his Majeſty's ſhip Allegiance."

A London Gazette Extraordinary publiſhed May 11. contains letters from Lt-Col. Balfour and Lord Rawdon, to Sir Henry Clinton and Lord G. Germain. We give extracts, omitting what relates to Lord Cornwallis's operations; for which ſee his own letters, next page.

Lt-Col. Balfour to Sir Henry Clinton, dated, Charleſtown, March 3.

"In my letter of the 24th ult. I had the honour to communicate to your Excellency the ſituation of the Congarees, and of its being inveſted by a force under Col. Sumpter. I have now the honour to inform you, that by the good conduct of Maj. Maxwell, of the Prince of Wales's regiment, the rebels were repulſed in their attempts on that poſt. They next turned their views to Thompſon's, and were there likewiſe defeated with ſome loſs. Sumpter then reconnoitred Nelſon's; but finding it too ſtrong, paſſed the Santee five miles above that, where he was oppoſed by ſome provincial light infantry under Lt-Col. Watſon, and obliged to retreat, with the loſs of 18 killed, a few taken, and many horſes.

This action was brought on by Sumpter's having ſurrounded Lieut. Cooper, with a ſmall party of the light infantry; on which occaſion Col. Watſon mentions, with high applauſe, the meritorious conduct and gallant reſiſtance of that officer, and which I therefore think it my duty to communicate to your Excellency." ——

Lord Rawdon to Lord G. Germain, dated, Camden, March 23.

" —— Your Lordſhip may probably expect, that, as circumſtances have allowed me the honour of writing to you, I ſhould not neglect to mention the ſtate of affairs in the diſtrict which Lord Cornwallis has committed to my charge. Some daring but ill-ſupported efforts have been made by Gen[s] Sumpter and Marion to excite inſurrection in this province. They have failed in every attempt, and have been repeatedly routed by our detachments; but as every man in both their corps is mounted, (part being armed with ſwords as cavalry, and part with firelocks), they quickly re aſſemble. The difficulty of getting proper appointments in Charleſtown, and the labour of tranſporting them through ſuch a diſtant and precarious communication,

have prevented my being able to eſtabliſh a cavalry ſufficiently numerous to cope of themſelves with the force of either Sumpter or Marion. As the enemy have no baggage, our infantry can rarely get up to them, and can never force them to a deciſive conteſt in a country penetrable in every part. As yet, therefore, we have not been able to cruſh theſe invaders. Their enterpriſes, however, though very troubleſome, are not very ſerious; and as their proſpects of ſupport muſt now abandon them, I hope that this petty warfare may ſoon expire of itſelf."

"*Head Quarters, Sumpter's houſe, March* 1. Lord Rawdon deſires to expreſs his ſenſe of the gallantry manifeſted on the evening of the 27th ult. by Lt-Col. Watſon and the corps under his command. Applauſe is particularly due to Enſ. Cooper, whoſe ſituation afforded a fairer diſplay of that reſolution which the corps ſeems determined ſhall be its diſtinguiſhing character." *Carolina gaz.*

LONDON GAZETTE, June 5.

"*Whitehall, June* 4. This morning Capt. Brodrick, aid-de-camp to Lt-Gen. Earl Cornwallis, arrived with diſpatches from his Lordſhip and Lt-Col. Balfour to Lord G. Germain, of which the following are copies and extracts.

Earl Cornwallis to Lord G. Germain.

"My Lord, *Guilford, March* 17. Having occaſion to diſpatch my aid-de-camp, Capt. Brodrick, with the particulars of the action of the 15th, in compliance with general directions from Sir Henry Clinton, I ſhall embrace the opportunity to give your Lordſhip an account of the operations of the troops under my command, previous to that event, and of thoſe ſubſequent, until the departure of Capt. Brodrick.

My plan for the winter's campaign was to penetrate into North Carolina, leaving South Carolina in ſecurity againſt any probable attack in my abſence.

Lord Rawdon, with a conſiderable body of troops, had charge of the defenſive, and I proceeded about the middle of January upon the offenſive operations. I decided to march by the upper, in preference to the lower roads, leading into North Carolina, becauſe fords being frequent above the forks of the rivers, my paſſage there could not eaſily be obſtructed; and Gen. Green having taken poſt on the Pedee, and there being few fords in any of the great rivers of this country below their forks, eſpecially in winter, I apprehended being much delayed, if not entirely prevented, from penetrating by the latter route. I was the more induced to prefer this route, as I hoped in my way to be able to deſtroy or drive out of South Carolina the corps of the enemy commanded by Gen. Morgan, which threatened our valuable diſtrict of Ninety ſix; and I likewiſe hoped, by rapid marches, to be between Gen. Green and Virginia, and by that means force him to fight, without receiving any reinforcement from that province, or, failing of that, to oblige him to quit North Carolina with precipitation, and thereby encourage our friends to make good their promiſes of a general riſing, to aſſiſt me in re-eſtabliſhing his Majeſty's government.

The unfortunate affair of Jan. 17. [192.] was a very unexpected and ſevere blow; however, being thoroughly ſenſible that defenſive meaſures would be certain ruin to the affairs of Britain in the ſouthern colonies, this event did not deter me from proſecuting the original plan.

That Gen. Green might be uncertain of my intended route as long as poſſible, I had left Gen. Leſlie at Camden, until I was ready to move from Wynneſborough, and he was now within a march of me. I employed the 18th in forming a junction with him, and in collecting the remains of Lt-Col. Tarleton's corps; after which, great exertions were made by part of the army, without baggage, to retake our priſoners, and to intercept Gen. Morgan's corps, on its retreat to the Catawba; but the celerity of their movements, and the ſwelling of the numberleſs creeks in our way, rendered all our efforts fruitleſs. I therefore aſſembled the army on the 25th at Ramſoure's mill, on the ſouth fork of the Catawba; and as the loſs of my light troops could only be remedied by the activity of the whole corps, I employed a halt of two days in collecting ſome flour, and in deſtroying ſuperfluous baggage and all my waggons, except thoſe loaded with hoſpital ſtores, ſalt, and ammunition, and four reſerved empty in readineſs for ſick or wounded. In this meaſure, though at the expence of a great deal of officers baggage, and of all proſpect in future of rum, and even a regular ſupply of proviſions to the ſoldiers, I muſt, in juſtice to this army, ſay, that there was the moſt general and chearful acquieſcence.

In

In the mean time the rains had rendered the North Catawba impaſſable; and Gen. Morgan's corps, the militia of the rebellious counties of Rowan and Mecklenburgh under Gen. Davidſon, or the gang of plunderers, uſually under the command of Gen. Sumpter, not then recovered from his wounds, had occupied all the fords in a ſpace of more than forty miles upwards from the fork. I approached the river, during its height, by ſhort marches, ſo as to give the enemy equal apprehenſions for ſeveral fords; and, after having procured the beſt information in my power, I reſolved to attempt the paſſage at a private ford (then ſlightly guarded) near M'Cowan's ford, on the morning of Feb. 1.

Lt-Col. Webſter was detached with part of the army, and all the baggage, to Beattie's ford, ſix miles above M'Cowan's, where Gen. Davidſon was ſuppoſed to be poſted with 500 militia, and was directed to make every poſſible demonſtration, by cannonading and otherwiſe, of an intention to force a paſſage there; and I marched at one in the morning, with the brigade of guards, regiment of Boſe, 23d regiment, 200 cavalry, and two three-pounders, to the ford fixed upon for the real attempt. The morning being very dark and rainy, and part of our way through a wood, where there was no road, one of the three-pounders, in front of the 23d regiment and the cavalry, overſet in a ſwamp, and occaſioned thoſe corps to loſe the line of march; and ſome of the artillery-men belonging to the other gun (one of whom had the match) having ſtopped to aſſiſt, were likewiſe left behind. The head of the column, in the mean while, arrived at the bank of the river, and day began to break. I could make no uſe of the gun that was up; and it was evident, from the number of fires on the other ſide, that the oppoſition would be greater than I had expected. However, as I knew that the rain then falling would ſoon render the river again impaſſable, and I had received information the evening before, that Gen. Green had arrived in Gen. Morgan's camp, and that his army was marching after him with the greateſt expedition, I determined not to deſiſt from the attempt; and therefore, full of confidence in the zeal and gallantry of Brig.-Gen. O'Hara, and of the brigade of guards under his command, I ordered them to march on; but, to prevent confuſion, not to fire until they gained the oppoſite bank. Their behaviour juſtified my high opinion of them; for a conſtant fire from the enemy, in a ford upwards of 500 yards wide, in many places up to their middle, with a rocky bottom and ſtrong current, made no impreſſion on their cool and determined valour, nor checked their paſſage. The light infantry, landing firſt, immediately formed, and, in a few minutes, killed or diſperſed every thing that appeared before them, the reſt of the troops forming and advancing in ſucceſſion. We now learned, that we had been oppoſed by about 300 militia that had taken poſt there only the evening before, under the command of Gen. Davidſon. Their General, and two or three other officers, were among the killed; the number of wounded was uncertain, and a few were taken priſoners. On our ſide Lt-Col. Hall and three men were killed, and thirty-ſix wounded, all of the light infantry and grenadiers of the guards. By this time the rear of the column had joined; and the whole having paſſed with the greateſt diſpatch, I detached Lt-Col. Tarleton, with the cavalry and 23d regiment, to purſue the routed militia; a few were ſoon killed or taken; and Lt-Col. Tarleton having learned 3 or 400 of the neighbouring militia were to aſſemble that day at Tarranck's houſe, about ten miles from the ford, leaving his infantry, he went on with the cavalry, and finding the militia as expected, he, with excellent conduct and great ſpirit, attacked them inſtantly, and totally routed them, with little loſs on his ſide, and on their's between forty and fifty killed, wounded, or priſoners. This ſtroke, with our paſſage of the ford, ſo effectually diſpirited the militia, that we met with no further oppoſition on our march to the Yadkin, through one of the moſt rebellious tracts in America.

During this time, the rebels having quitted Beattie's ford, Lt Col. Webſter was paſſing his detachment and the baggage of the army. This had become tedious and difficult by the continuance of the rain and the ſwelling of the river; but all joined us ſoon after dark, about ſix miles from Beattie's ford. The other fords were likewiſe abandoned by the enemy. The greateſt part of the militia diſperſed; and Gen. Morgan with his corps marched all that afternoon, and

the following night, towards Salisbury. We pursued next morning, in hopes to intercept him between the rivers; and after struggling with many difficulties, arising from swelled creeks and bad roads, the guards came up with his rear, in the evening of the 3d, routed it, and took a few waggons, at the trading ford of the Yadkin. He had passed the body of his infantry in flats, and his cavalry and waggons by the ford, during that day and the preceding night; but at the time of our arrival, the boats were secured on the other side, and the ford had become impassable. The river continuing to rise, and the weather appearing unsettled, I determined to march to the upper fords, after procuring a small supply of provisions at Salisbury. This, and the height of the creeks in our way, detained me two days; and in that time Morgan having quitted the banks of the river, I had information from our friends, who crossed in canoes, that Gen. Green's army was marching with the utmost dispatch to form a junction with him at Guildford. Not having had time to collect the North-Carolina militia, and having received no reinforcement from Virginia, I concluded that he would do every thing in his power to avoid an action on the south side of the Dan; and it being my interest to force him to fight, I made great expedition, and got between him and the upper fords; and being assured that the lower fords are seldom practicable in winter, and that he could not collect many flats at any of the ferries, I was in great hopes that he would not escape me without receiving a blow.

Nothing could exceed the patience and alacrity of the officers and soldiers, under every species of hardship and fatigue, in endeavouring to overtake him; but our intelligence upon this occasion was exceedingly defective, which, with heavy rains, bad roads, and the passage of many deep creeks, and bridges destroyed by the enemy's light troops, rendered all our exertions vain; for, upon our arrival at Boyd's ferry, on the 15th, we learned that his rear-guard had got over the night before, his baggage and main body having passed the preceding day, at that and a neighbouring ferry, where more flats had been collected than had been represented to me as possible. My force being ill suited to enter by that quarter so powerful a province as Virginia, and North Carolina being in the utmost confusion, after giving the troops a halt of one day, I proceeded by easy marches to Hillsborough, where I erected the King's standard, and invited, by proclamation, all loyal subjects to repair to it, and to stand forth and take an active part in assisting me to restore order and constitutional government. As a considerable body of friends were said to reside between the Haw and Deep rivers, I detached Lt-Col. Tarleton on the 23d, with the cavalry and a small body of infantry, to prevent their being interrupted in assembling. Unluckily a detachment of the rebel light troops had crossed the same day, and by accident fell in with about 200 of our friends, under Col. Pyle, on their way to Hillsborough, who, mistaking the rebels for Lt-Col. Tarleton's corps, allowed themselves to be surrounded, and a number of them were most inhumanly butchered, when begging for quarter, without making the least resistance. The same day I had certain intelligence, that Gen. Green having been reinforced, had recrossed the Dan, which rendering it imprudent to separate my corps, occasioned the recal of Lt-Col. Tarleton's detachment; and forage and provisions being scarce in the neighbourhood of Hillsborough, as well as the position too distant (upon the approach of the rebel army) for the protection of the body of our friends, I judged it expedient to cross the Haw, and encamped near Allamance creek, detaching Lt-Col. Tarleton with the cavalry, light company of the guards, and 150 men of Lt-Col. Webster's brigade, a few miles from me on the road to Deep river, more effectually to cover the country.

Gen. Green's light troops soon made their appearance; and on the 2d a patrole having reported, that they had seen both cavalry and infantry near to his post, I directed Lt-Col. Tarleton to move forward, with proper precautions, and endeavour to discover the designs of the enemy. He had not advanced far, when he fell in with a considerable corps, which he immediately attacked and routed: but being ignorant of their force, and whether they were supported, with great prudence desisted from pursuit: He soon learned from prisoners, that those he had beat were Lee's legion, 3 or 400 back-mountain men under Col. Preston, with a number of militia; and that Gen. Green, with part of his army, was not

far

far diſtant. Our ſituation for the former few days had been amongſt timid friends, and adjoining to inveterate rebels: Between them, I had been totally deſtitute of information, which loſt me a very favourable opportunity of attacking the rebel-army. Gen. Green fell back to Thompſon's houſe, near Boyd's Ford, on the Reedy Fork; but his light troops and militia ſtill remained near us, and as I was informed that they were poſted carelesly at ſeparate plantations, for the convenience of ſubſiſting, I marched on the 6th to drive them in, and to attack Gen. Green, if an opportunity offered. I ſucceeded completely in the firſt; and at Weitzell's Mill on the Reedy Fork, where they made a ſtand, the back-mountain men, and ſome Virginia militia, ſuffered conſiderably, with little loſs on our ſide; but a timely and precipitate retreat over the Haw prevented the latter. I knew that the Virginia reinforcements were upon their march, and it was apparent that the enemy would, if poſſible, avoid riſking an action before their arrival.

The neighbourhood of the fords of the Dan in their rear, and the extreme difficulty of ſubſiding my troops in that exhauſted country, putting it out of my power to force them, my reſolution was to give our friends time to join us, by covering their country as effectually as poſſible, conſiſtent with the ſubſiſtence of the troops, ſtill approaching the communication with our ſhipping in Cape Fear River, which I ſaw it would ſoon become indiſpenſably neceſſary to open, on account of the ſufferings of the army, from the want of ſupplies of every kind; at the ſame time I was determined to fight the rebel army, if it approached me, being convinced that it would be impoſſible to ſucceed in that great object of our arduous campaign, the calling forth the numerous loyaliſts of North Carolina, whilſt a doubt remained on their minds of the ſuperiority of our arms. With theſe views I had moved to the Quaker Meeting, in the forks of Deep River, on the 13th, and on the 14th I received the information which occaſioned the movements that brought on the action at Guilford, of which I ſhall give your Lordſhip an account in a ſeparate letter."

Ditto to Ditto.

"My Lord, *Guilford, March* 17.

I have the ſatisfaction to inform your Lordſhip, that his Majeſty's troops under my command obtained a ſignal victory, on the 15th inſt. over the rebel-army commanded by Gen. Green.

In purſuance of my intended plan, communicated to your Lordſhip in my diſpatch N° 7. I had encamped, on the 13th inſtant, at the Quaker Meeting, between the forks of Deep River. On the 14th, I received information that Gen. Butler, with a body of North Carolina militia, and the expected reinforcements from Virginia, ſaid to conſiſt of a Virginia ſtate regiment, a corps of Virginia eighteen months men, 3000 Virginia militia, and recruits for the Maryland line, had joined Gen. Green; and that the whole army, which was reported to amount to 9 or 10,000 men, was marching to attack the Britiſh troops. During the afternoon, intelligence was brought, which was confirmed in the night, that he had advanced that day to Guildford, about twelve miles from our camp. Being now perſuaded that he had reſolved to hazard an engagement, after detaching Lt-Col. Hamilton with our waggons and baggage, eſcorted by his own regiment, a detachment of 100 infantry, and 20 cavalry, towards Bell's Mill, on Deep River, I marched with the reſt of the corps at day-break, on the morning of the 15th, to meet the enemy, or to attack them in their encampment. About four miles from Guildford our advanced guard, commanded by Lt-Col. Tarleton, fell in with a corps of the enemy, conſiſting of Lee's legion, ſome back mountain men, and Virginia militia, which he attacked with his uſual good conduct and ſpirit, and defeated: And, continuing our march, we found the rebel-army poſted on riſing ground, about a mile and a half from the Court-houſe. The priſoners taken by Lt-Col. Tarleton, having been ſeveral days with the advanced corps, could give me no account of the enemy's order or poſition, and the country-people were extremely inaccurate in their deſcription of the ground. Immediately between the head of the column and the enemy's line, was a conſiderable plantation, one large field of which was on our left of the road, and two others, with a wood of about 200 yards broad between them, on our right of it; beyond theſe fields the wood continued for ſeveral miles to our right. The wood beyond the plantation in our front, in the ſkirt of which the enemy's

firſt

firſt line was formed, was about a mile in depth, the road then leading into an extenſive ſpace of cleared ground about Guildford Court-houſe. The woods on our right and left were reported to be impracticable for cannon; but as that on our right appeared to be moſt open, I reſolved to attack the left wing of the enemy, and, whilſt my diſpoſition was making for that purpoſe, I ordered Lieut. Macleod to bring forward the guns, and cannonade their centre. The attack was directed to be made in the following order:

On the right, the regiment of Boſe, and the 71ſt regiment, led by Maj.-Gen. Leſlie, and ſupported by the 1ſt battalion of Guards; — on their left, the 23d and 33d regiments, led by Lt-Col. Webſter, and ſupported by the grenadiers and 2d battalion of Guards, commanded by Brig.-Gen. O'Hara; — the Yagers and light infantry of the Guards remained in the wood on the left of the guns; and the cavalry in the road, ready to act as circumſtances might require.

Our preparations being made, the action began about half an hour paſt one in the afternoon: Maj.-Gen. Leſlie, after being obliged, by the great extent of the enemy's line, to bring up the 1ſt battalion of guards to the right of the regiment of Boſe, ſoon defeated every thing before him; — Lt-Col. Webſter having joined the left of Maj.-Gen. Leſlie's diviſion, was no leſs ſucceſsful in his front, when, on finding that the left of the 33d was expoſed to a heavy fire from the right wing of the enemy, he changed his front to the left, and being ſupported by the Yagers and light infantry of the guards, attacked and routed it; the grenadiers and 2d battalion of guards moving forward to occupy the ground left vacant by the movement of Lt-Col. Webſter.

All the infantry being now in the line, Lt-Col. Tarleton had directions to keep his cavalry compact, and not to charge without poſitive orders, except to protect any of the corps from the moſt evident danger of being defeated. The exceſſive thickneſs of the woods rendered our bayonets of little uſe, and enabled the broken enemy to make frequent ſtands, with an irregular fire, which occaſioned ſome loſs, and to ſeveral of the corps great delay, particularly on our right, where the firſt battalion of guards and regiment of Boſe were warmly engaged in front, flank, and rear, with ſome of the enemy that had been routed on the firſt attack, and with part of the extremity of their left wing, which, by the cloſeneſs of the wood, had been paſſed unbroken. The 71ſt regiment and grenadiers, and 2d battalion of guards, not knowing what was paſſing on their right, and hearing the fire advance on their left, continued to move forward, the artillery keeping pace with them on the road, followed by the cavalry. The 2d battalion of the guards firſt gained the clear ground near Guildford Court-houſe, and found a corps of Continental infantry, much ſuperior in number, formed in the open field on the left of the road. Glowing with impatience to ſignalize themſelves, they inſtantly attacked and defeated them, taking 2 ſix pounders; but, purſuing into the wood with too much ardour, were thrown into confuſion by a heavy fire, and immediately charged and driven back into the field by Col. Waſhington's dragoons, with the loſs of the ſix pounders they had taken. The enemy's cavalry was ſoon repulſed by a well-directed fire from 2 three pounders juſt brought up by Lieut. Macleod, and by the appearance of the grenadiers of the guards and of the 71ſt regiment, which, having been impeded by ſome deep ravines, were now coming out of the wood, on the right of the guards, oppoſite to the Court houſe. By the ſpirited exertions of Brig.-Gen. O'Hara, though wounded, the 2d battalion of guards was ſoon rallied, and, ſupported by the grenadiers, returned to the charge with the greateſt alacrity. The 23d regiment arriving at that inſtant from our left, and Lt-Col. Tarleton having advanced with part of the cavalry, the enemy were ſoon put to flight, and the 2 ſix pounders once more fell into our hands; 2 ammunition-waggons, and 2 other ſix pounders, being all the artillery they had in the field, were likewiſe taken. About this time the 33d regiment, and light infantry of the guards, after overcoming many difficulties, completely routed the corps which was oppoſed to them, and put an end to the action in this quarter. The 23d and 71ſt regiments, with part of the cavalry, were ordered to purſue; the remainder of the cavalry was detached with Lt-Col. Tarleton to our right, where a heavy fire ſtill continued, and where his appearance and ſpirited attack contributed much to

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a ſpeedy termination of the action. The militia, with which our right had been engaged, diſperſed in the woods; the Continentals went off by the Reedy Fork, beyond which it was not in my power to follow them, as their cavalry had ſuffered but little. Our troops were exceſſively fatigued, by an action which laſted an hour and a half; and our numerous wounded, diſperſed over an extenſive ſpace of country, required immediate attention. The care of our wounded, and the total want of proviſions in an exhauſted country, made it equally impoſſible for me to follow the blow next day. The enemy did not ſtop until they got to the iron works on Troubleſome creek, eighteen miles from the field of battle.

From our own obſervation, and the beſt accounts we could procure, we did not doubt but the ſtrength of the enemy exceeded 7000 men; their militia compoſed their line, with parties advanced to the rails of the fields in their front; the Continentals were poſted obliquely in the rear of their right wing. Their cannon fired on us whilſt we were forming from the centre of the line of militia, but were withdrawn to the Continentals before the attack.

I have the honour to incloſe your Lordſhip the liſt of our killed and wounded. Capt. Schutz's wound is ſuppoſed to be mortal; but the ſurgeons aſſure me, that none of the other officers are in danger, and that a great number of the men will ſoon recover. I cannot aſcertain the loſs of the enemy, but it muſt have been conſiderable; between 2 and 300 dead were left upon the field; many of their wounded that were able to move, whilſt we were employed in the care of our own, eſcaped and followed the routed enemy; and our cattle-drivers and foraging parties have reported to me, that the houſes in a circle of ſix or eight miles round us are full of others; thoſe that remained we have taken the beſt care of in our power. We took few priſoners, owing to the exceſſive thickneſs of the wood facilitating their eſcape, and every man of our army being repeatedly wanted for action.

The conduct and actions of the officers and ſoldiers that compoſe this little army will do more juſtice to their merit than I can by words. Their perſevering intrepidity in action, their invincible patience in the hardſhips and fatigues of a march of above 600 miles, in which they have forded ſeveral large rivers and numberleſs creeks, many of which would be reckoned large rivers in any other country in the world, without tents or covering againſt the climate, and often without proviſions, will ſufficiently manifeſt their ardent zeal for the honour and intereſts of their ſovereign and their country.

I have been particularly indebted to Maj.-Gen. Leſlie for his gallantry and exertion in the action, as well as his aſſiſtance in every other part of the ſervice. The zeal and ſpirit of Brig.-Gen. O'Hara merit my higheſt commendations; for, after receiving two dangerous wounds, he continued in the field whilſt the action laſted. By his earneſt attention on all other occaſions, ſeconded by the officers and ſoldiers of the brigade, his Majeſty's guards are no leſs diſtinguiſhed by their order and diſcipline, than by their ſpirit and valour.

The Heſſian regiment of Boſe deſerves my warmeſt praiſe, for its diſcipline, alacrity, and courage, and does honour to Major du Buy who commands it, and who is an officer of ſuperior merit.

I am much obliged to Brig.-Gen. Howard, who ſerved as volunteer, for his ſpirited example on all occaſions.

Lt-Col. Webſter conducted his brigade like an officer of experience and gallantry. Lt-Col. Tarleton's good conduct and ſpirit in the management of his cavalry was conſpicuous during the whole action; and Lieut. Macleod, who commanded the artillery, proved himſelf upon this, as well as on all former occaſions, a moſt capable and deſerving officer. The attention and exertion of my aids de-camp, and of all the other public officers of the army, contributed very much to the ſucceſs of the day.

I have conſtantly received the moſt zealous aſſiſtance from Gov. Martin during my command in the ſouthern diſtrict. Hoping that his preſence would tend to excite the loyal ſubjects in this province to take an active part with us, he has chearfully ſubmitted to the fatigues and dangers of our campaign; but his delicate conſtitution has ſuffered by his public ſpirit, for, by the advice of the phyſicians, he is now obliged to return to England for the recovery of his health.

This part of the country is ſo totally deſtitute of ſubſiſtence, that forage is not nearer

nearer than nine miles, and the ſoldiers have been two days without bread; I ſhall therefore leave about ſeventy of the worſt of the wounded caſes at the New Garden Quaker Meeting-houſe, with proper aſſiſtance, and move the remainder with the army, to-morrow morning, to Bell's Mill. I hope our friends will heartily take an active part with us, to which I ſhall continue to encourage them. ſtill approaching our ſhipping by eaſy marches, that we may procure the neceſſary ſupplies for farther operations, and lodge our ſick and wounded where proper attention can be paid to them."

By the return, the loſs of the troops on the march through North Carolina, in the various actions preceding the battle of Guildford, was, 1 lieutenant-colonel, 11 rank and file killed; 1 captain, 1 lieutenant, 7 ſerjeants, 79 rank and file, wounded.

Officers killed and wounded.

Killed: Lt-Col. Hall of the guards.

Wounded: Lieut. Chapman of the 23d; and Capt. Ingram of the 33d.

By the return, the loſs at the battle of Guildford amounts to 1 lieutenant-colonel, 2 lieutenants, 2 enſigns, 13 ſerjeants, 75 rank and file, killed; 2 brigadier-generals, 2 lieutenant-colonels, 9 captains, 4 lieutenants, 5 enſigns, 2 ſtaff officers, 15 ſerjeants, 5 drummers, 369 rank and file wounded; 1 ſerjeant, 25 rank and file miſſing.

Officers killed and wounded.

Killed: Lieut. O'Hara of the Royal Artillery, Hon. Lt-Col. Stuart of the guards; Second Lieut. Robinſon of the 23d; Enſ. Talbot of the 33d: Enſign Grant of the 71ſt.

Wounded: Brig. Gen' O'Hara and Howard; Capt' Swanton, Schutz, Maynard, and Goodrick, (the three laſt ſince dead.) Lord Dunglaſs, and Maitland; Enſ. Stuart, and Adj. Colquhoun of the guards; Capt. Peter of the 23d; Lt-Col. Webſter (ſince dead), Lieut' Salvin, Wynyard; Enſ' Kelly, Gore, and Hughs, and Adj. Fox, of the 33d: Capt' Wilmouſky, (ſince dead), Eichenbrodt, Lieut' Schwener, and Gaiſe, Enſ. D'Trott, (ſince dead) of the regiment of Boſe; and Lt-Col. Tarleton of the Britiſh Legion.

Ordnance and military ſtores taken and deſtroyed at the battle of Guildford.

Braſs ordnance: mounted on travelling carriages, with lumbers and boxes complete, ſix pounders, 4.

Shot: round fixed with powder, ſix pounders, 160.

Caſe fixed, with ditto, ſix pounders, 50.

Ammunition waggons, 2

Stands of arms, diſtributed among the militia, and deſtroyed in the field, 1300

Extract of a letter from Earl Cornwallis to Lord G. Germain, dated, Wilmington, April 18.

"I marched from Guildford on the morning of the 18th of March, and next day arrived at Bell's Mill, where I gave the troops two days reſt, and procured a ſmall ſupply of proviſions. From thence I proceeded ſlowly towards Croſs Creek, attending to the convenience of ſubſiſtence, and the movement of our wounded. On my way I iſſued the incloſed proclamation, and took every other means in my power to reconcile enemies, and to encourage our friends to join us.

From all my information, I intended to have halted at Croſs Creek, as a proper place to refreſh and refit the troops; and I was much diſappointed, on my arrival there, to find it totally impoſſible. Proviſions were ſcarce, not four days forage within twenty miles, and to us the navigation of the Cape-Fear river to Wilmington impracticable; for the diſtance by water is upwards of 100 miles. Under theſe circumſtances, I was obliged to continue my march to this place, in the neighbourhood of which I arrived on the 7th inſtant.

I have been buſy ſince my arrival in diſpoſing of our ſick and wounded, and in procuring the neceſſary ſupplies, to put the troops in a proper ſtate to take the field.

Capt. Schutz died a few days after the action, as we expected; but I am ſorry to inform your Lordſhip, that, notwithſtanding the flattering appearances, and the aſſurances of the ſurgeons, Col. Webſter, (whoſe loſs is ſeverely felt by me and the whole army), Capt. Maynard of the guards, Capt. Wilmouſky, and Enſ. De Trott of the regiment of Boſe, are ſince dead.

Maj. Craig, who took poſſeſſion of this place in the latter end of January, has conducted himſelf with great zeal and capacity, having, with a very ſmall force, not only ſecured the poſt from all inſults, but made himſelf reſpectable in this part of the country by ſeveral ſucceſsful excurſions.

By Charles Earl Cornwallis, Lieutenant General of his Majeſty's forces, &c. &c. &c.

A PROCLAMATION.

Whereas, by the bleſſing of Almighty God,

God, his Majesty's arms have been crowned with signal success, by the complete victory obtained over the rebel-forces on the 15th instant, I have thought proper to issue this proclamation, to call upon all loyal subjects to stand forth, and take an active part in restoring good order and government: And whereas it has been represented to me, that many persons in this province, who have taken a share in this unnatural rebellion, but having experienced the oppression and injustice of the rebel-government, and having seen the errors into which they have been deluded by falsehoods and misrepresentations, are sincerely desirous of returning to their duty and allegiance, I do hereby notify and promise to all such persons, (murderers excepted), that if they will surrender themselves, with their arms and ammunition, at head-quarters, or to the officer commanding in the district contiguous to their respective places of residence, on or before the 20th day of April next, they will be permitted to return to their homes, upon giving a military parole; and shall be protected in their persons and properties from all sort of violence from the British troops; and will be restored, as soon as possible, to all the privileges of legal and constitutional government.

Given under my hand, at Head-Quarters, this 18th day of March, A. D. 1781, and in the 21st year of his Majesty's reign.

CORNWALLIS.

Extract of a letter from Lt-Col. Balfour to Lord G. Germain, dated, Charlestown, May 1. 1781.

"My Lord,

By Lord Cornwallis's dispatches, which are herewith transmitted, your Lordship will be informed, that after the action at Guildford, Gen. Green, being obliged to retreat from before the King's army, turned his views towards this province, as the more vulnerable point, in the absence of Lord Cornwallis.

With this idea, on the 19th ult. he came before Camden, having with him near 1500 Continental and several corps of militia; Lord Rawdon having charge of that post, and about 800 British and Provincial troops to sustain it.

For some days Gen. Green kept varying his position, waiting, as is supposed, to be reinforced by the corps under Brig. Marian and Col. Lee, which were on their way, being ordered to join him.

Judging it necessary to strike a blow before this junction could take place, and learning that Gen. Green had detached to bring up his baggage and provisions, Lord Rawdon, with the most marked decision, on the morning of the 25th, marched with the greater part of his force to meet him, and about ten o' clock attacked the rebels in their camp at Hobkirk's with that spirit, which, prevailing over superior numbers and an obstinate resistance, compelled them to give way; and the pursuit was continued for three miles. To accident only they were indebted for saving their guns, which, being drawn into a hollow out of the road, were overlooked by our troops in the flush of victory and pursuit, so that their cavalry, in which they greatly exceeded us, had an opportunity of taking them off.

My Lord Rawdon states the loss of the enemy, on this occasion, as upwards of 100 made prisoners, and 400 killed and wounded, his own not exceeding 100, in which is included 1 officer killed, and 11 wounded.

After this defeat Gen. Green retired to Rugeley's Mills, (twelve miles from Camden), in order to call in his troops and receive the reinforcements; but as Lt-Col. Watson of the guards, who had been for some time detached by Lord Rawdon, with a corps of 500 men, to cover the eastern frontiers of the province, is directed by me to join his Lordship, I am in hopes he will be able speedily to accomplish this.

It is to the several letters which Lord Rawdon has been so good to transmit me, that I am indebted for the detail I have now the honour to present your Lordship, and which I trust his Lordship will hereafter conclude in the most satisfactory manner."

Loose hints upon Education.

Excerpts from a young gentleman's common-place book.—A third extract. [152.]

"ABERDEEN at present is one of the most flourishing towns in the kingdom. They tell me, that since the memory of man the inhabitants are doubled. Their own manufactures are exported annually to the value of near a hundred thousand pounds Sterling, which is mostly returned in specie. The inhabitants of the shire are an industrious

people, man, wife, and child employed. Abundance of good company in the town itſelf; a more hoſpitable people are no where to be met with.

Epiſcopacy and the liturgy of the church of England prevails much more here than in the ſouthern parts, and in proportion gentlemen who are no friends to the preſent eſtabliſhment. However, of late many of them have got over the ſcruple of taking oaths, in order to ſerve their friends at elections: for we muſt not believe that there is any change in their political principles. To one unacquainted with the world and its manners, this muſt appear extremely ſhocking. To call God to witneſs a lie; to promiſe, bind myſelf, in the moſt poſitive terms, when I never intend to perform; what, it will be ſaid, can be more wicked? And yet when I look abroad into the world, and find ſo many gentlemen of honour acting this part with ſcarce any remorſe, I am puzzled, and cannot help ſtopping ſhort to conſider, whether, after all, this practice be ſo criminal. If it be, it is ſurely the ſingle inſtance in nature of a great crime attended with ſcarce any remorſe or indignation. But this cannot be. All crimes muſt give us abhorrence; and be we ever ſo well read in Grotius and Puffendorff, there is no rule given us to judge of human actions ſo certain as what we draw from our own heart. The merit or demerit of actions is in proportion to the good or hurt they do. Lying, ſwearing falſely, breach of promiſe, are criminal, as tending to the diſſolution of ſociety, which cannot ſubſiſt without mutual faith and truſt among men. This is what makes treachery ſo odious a crime. On the other hand, whatever words a man uſes, yet if it be clearly underſtood, that no faith is intended to be given or received, they are of no moment. Thus it is with the common civilities and compliments paſſing among men, which one would be reckoned a fool to depend on. Thus, to go a little deeper, cuſtomhouſe-oaths now a-days go for nothing. Not that the world grows more wicked, but becauſe no perſon lays any ſtreſs upon them. The duty on French wine is the ſame in Scotland and in England. But as we cannot afford to pay this high duty, the permiſſion underhand to pay Spaniſh duty for French wine, is found more beneficial to the revenue than the rigour of the law. The oath, however, muſt be taken, that the wine we import is Spaniſh, to intitle us to the eaſe of the Spaniſh duty. Such oaths at firſt were highly criminal, becauſe directly a fraud againſt the public; but now that the oath is only exacted for form's ſake, without any faith intended to be given or received, it becomes very little different from ſaying in the way of civility, "I am, Sir, your friend, or your obedient ſervant." And, in fact, we every day ſee merchants dealing in ſuch oaths, whom no man ſcruples to rely upon in the moſt material affairs.

I could wiſh, that the taking oaths to the government, when the heart goes not along, were but as innocent. So far is plain, that when a man takes oaths in order to get into power, is truſted, and betrays his truſt, nothing can be more vitious. But let us ſuppoſe he takes the oaths to preſerve his eſtate, to give bread to his family, or to ſerve his friend at an election who is friendly to the government; how far is this criminal? We muſt examine firſt, how far it was right in the parliament to impoſe ſuch oaths. This matter ought to be handled tenderly; yet there is no avoiding entering into it. Here the diſtinction naturally caſts up betwixt a manifeſt rebellion, and a civil war occaſioned by a controverted title. Of the laſt ſort, none will queſtion the Revolution to have been; and theſe gentlemen who did, and do ſtand out againſt the Revolution, muſt be allowed to be acting againſt private intereſt upon a principle of conſcience. One would think it hard to treat ſuch gentlemen as common robbers or rebels. All laws, human and divine, teach us to treat them with lenity. And indeed in the main they are ſo treated. Yet of ſome ſeverities, they have reaſon to complain. For example, if they be allowed the protection of the government, for what good reaſon ſhould they not be permitted to gain a livelihood in any private way they are capable of? Why may not a man be an advocate, though it does not go clearly with his mind, that the Chevalier is a baſtard? This ſurely is a hardſhip; and the people I am talking of, will be apt to hold the oath of abjuration to be rigorous and unjuſt. If they bow the head in the houſe of Rimmon, they have the Aſſyrian for their example, and the prophet for their authority. To be peaceable ſubjects without attempting to diſturb

turb the government, they think is all that can reaſonably be exacted of them.

It muſt be confeſſed, there is leſs to be ſaid in juſtification of thoſe who ſwallow the oaths, for no better reaſon than to aſſiſt their friend at an election. Yet even here, it may be thought, that ſuch oath cannot be very criminal where no harm is done or intended, it being the ſame to the government whether the one or the other candidate, both of them friends, be returned. This is a theme I thought well worthy of conſideration. It leſſens our horror to find that our countrymen are not ſo criminal as we at firſt imagine. If there be any weight in this apology, it ought to teach all governments to be tender in impoſing oaths: if rigorous or unreaſonable, they will ſcarce anſwer the end; and their multiplicity tends to break faith and confidence among men. Balancing however ill with good, it may be a queſtion, whether we have been great ſufferers by the political oaths impoſed ſince the Revolution. On the one hand, there is the evil tendency we have been ſpeaking of: on the other, theſe oaths have been uſeful in making men better ſubjects. No honeſt man, by whatever motive prevailed on to take the oaths, but muſt conſider them as ſome pledge of his obedience; and it is fact, that many a one has thus been carried imperceptibly from his old friends, and become at laſt a hearty friend to the preſent eſtabliſhment."

To the author of the SCOTS MAGAZINE.

SIR, *May* 1781.

THE learned, elegant, and agreeable author of the treatiſe intitled, "Looſe Hints upon Education," &c. is certainly in a miſtake, when he writes, as if permiſſion were now given underhand to accept of Spaniſh duty for French wines imported into Scotland.

There was indeed a time when very little red wine was entered in Scotland but French claret, and very little of that paid French duty. It was then the cuſtom for ſhipmaſters whoſe ſhips had been loaded with wine at Bourdeaux in France, to make oath, upon their reports at the cuſtomhouſes in Scotland, not that the wines in their ſhips were of the growth of any particular country, but that their ſhips came from ſome port in Spain, generally from Bilboa; and the merchants, of courſe, entered the wines as Spaniſh wines, not upon oath, becauſe the law did not require that they ſhould ſwear to the growth of their wines, which was to be judged of by the diſcharging officers; and in thoſe days it was undoubtedly underſtood by them, that they ſhould paſs thoſe wines under the denomination of Spaniſh, by which they had been entered.

The Scots, before the union, had been accuſtomed to drink French wine, and at a very ſmall duty. I cannot exactly tell what that duty was immediately before that remarkable æra; but by a Scots book of rates, printed in the year 1670, I obſerve, that wines of all ſorts paid 30 l. Scots money, which is only 2 l. 10 s. Sterling per tun unfilled; whereas the duties payable in England at the time of the union, and which from that period came to be likewiſe payable in Scotland, were, for Spaniſh wine, 18 l. 8 s. 1 d. and for French, 46 l. 6 s. 8 d. Sterling per tun unfilled. The ſmalleſt of theſe duties, new to the Scots, was very high when compared with what they formerly paid; and as Spaniſh and Portugal wines were not at that time to their taſte, they would needs have their favourite liquor French claret, by ſome means or other; but they could not afford to pay the French duty for it, which was then reckoned in Scotland equal to a prohibition. The conſequence, therefore, of putting in ſtrict execution the ſtipulation of the treaty of union with reſpect to the duties on wines imported, muſt have been, that they would have drunk very little wine but what they got ſmuggled, and the duties on wine in Scotland would have produced but a mere trifle to the revenue.

It ſeems probable that the people in adminiſtration, foreſeeing theſe conſequences, and perceiving that the Scots, rather than want French wine, would ſubmit to pay duty, though not the proper French duty for it, judged it prudent to wink at the eluſive practice before mentioned, of entering it under the denomination of Spaniſh wine; and thus, by means of a project which, in ſtrict law, was fraudulent, they did a real ſervice to the revenue; for conſiderable quantities of wine were annually entered in Scotland, the duties of which conſtituted a principal article of the revenues raiſed in that country.

The ſaid practice continued in Scotland till Chriſtmas 1754, at which time an effectual ſtop was put to it by an order from the commiſſioners of the treaſury; and a warning was given, near three months before, to the importers of wine in Scotland, to prevent their importing any more French wine than what they intended to enter as ſuch, and to pay the duty accordingly. From that time wines entered in Scotland have been charged their true and proper duties with as much ſtrictneſs as in any port in England. The Scots, by that time better acquainted with and reconciled to the uſages of England than they had formerly been, ſubmitted quietly to the new regulation. The red wine of Oporto came to be in Scotland, as it had long been in England, the common draught both in public houſes and at gentlemens tables. Thoſe whoſe fortunes allow, and whoſe taſte inclines, them ſtill to uſe claret, may well perceive ſuch a difference between its preſent price here, and the prices of Spaniſh and Portugal wines, as may thoroughly convince them, that French wine in Scotland now pays the French duty, although that duty is much higher than it was by law when the union firſt took place.

The very reſpectable author is therefore moſt unluckily miſtaken, in point of chronology, with reſpect to the inſtance he has given. An oath falſely made in a cuſtomhouſe could not now have, nor could for twenty-ſix years paſt have had the effect of ſaving any of the proper and legal duties on wines imported into Scotland, whatever be the country of their growth or produce. He might indeed have ſaid with great juſtice, that in general too little regard is paid to truth, in the matter of cuſtomhouſe oaths, which are too frequent. It is not meant, by what is here ſaid, to controvert the propriety with which the author makes application of the inſtance he has adduced; nor do I believe the times to be ſo much mended but that, on the like temptation, the ſame diſregard to cuſtomhouſe oaths would now be ſhown that was ſhown thirty or forty years ago. But the intention of the preceding remarks is, to correct an error in matter of fact, which, conſidered as relative to national economy, is of too great importance to paſs without animadverſion.

I am, &c.

The HERMIT and his DOG.

From Sympathy: A Poem.

IN life's fair morn, I knew an aged ſeer,
Who ſad and lonely paſt his joyleſs year;
Betray'd, heart-broken, from the world he ran,
And ſhunn'd, oh dire extreme, the face of man:
Humbly he rear'd his hut within the wood,
Hermit his beard, a hermit's was his food,
Nitch'd in ſome corner where the gelid caves
With chilling drops the rugged rockſtone laves;
Hour after hour, the melancholy ſage,
Drop after drop to reckon, would engage
The ling'ring day, and trickling as they fell,
A tear went with them to the narrow well.
Then thus he moraliz'd as ſlow it paſt,
"This brings me nearer Lucia than the laſt;
And this, now ſtreaming from the eye," ſaid he,
"Oh, my lov'd child, will bring me nearer thee."
When firſt he roam'd, his dog with anxious care,
His wand'rings watch'd as emulous to ſhare;
In vain the faithful brute was bid to go,
Vain ſought the ſage a ſolitary woe;
The pilgrim paus'd, th' attendant dog was near,
Slept at his feet, and caught the falling tear;
Up roſe the pilgrim, up the dog would riſe,
And every way to win a maſter tries.
"Then be it ſo. Come faithful fool," he ſaid;
One pat encourag'd, and they fought the ſhade;
An unfrequented thicket ſoon they found,
And both repos'd upon the leafy ground;
Mellifluous murm'rings told the fountains nigh,
Fountains, which well a pilgrim's drink ſupply;
And thence, by many a labyrinth it led,
Where ev'ry tree beſtow'd an evening bed;
Skill'd in the chace, the faithful creature brought
Whate'er at morn or moon-light courſe he caught;
But ſofteſt pity gave the ſage to all,
Nor ſaw unwept his dumb aſſociates fall.
He was, in ſooth, the gentleſt of his kind,
And, though a hermit, had a ſocial mind:
"And why, ſaid he, muſt man ſubſiſt by prey,
Why ſtop yon melting muſic on the ſpray?
Why, when affright'd by hounds and hunter's cry,
Muſt half the harmleſs race in terror fly?
Why muſt we work of innocence the woe?
Still ſhall this boſom throb, theſe eyes o'erflow.
A heart too tender, here from man retires,
A heart that aches if but a wren expires."
Thus liv'd the maſter good, the ſervant true,
Till to its God the maſter's ſpirit flew;
Beſide a fount which daily water gave,
Stooping to drink, the pilgrim found a grave;
All in the running ſtream his garments ſpread,
And dark, damp verdure ill conceal'd his head;
Crouch'd in the water the ſurvivor ſtood,
Sick'ning with ſorrow, and rejecting food,
The faithful ſervant from that fatal day,
Watch'd the lov'd corpſe, and piteous pin'd away:
Five nights he fill'd the foreſt with his moan,
Five nights he join'd the paſſing ſpectre's groan;
At length the ſcreech-owl flapping boded death,
And ſoon the ſervant yielded up his breath:
His head upon his maſter's cheek was found,
While the obſtructed waters mourn'd around.

ODE

ODE for his Majeſty's birth-day, June 4. 1781.
By William Whitehead, Eſq; Poet-Laureat.

STill does the rage of war prevail?
Still thirſts for blood th' infatiate ſpear?
Waft not, ye winds, th' invidious tale,
Nor let th' untutor'd nations hear
That paſſion baffles reaſon's boaſted reign,
And half the peopled world is civiliz'd in vain.
What are morals, what are laws,
What religion's ſacred name?
Nor morals ſoften, nor religion awes; [ſame.
Pure tho' the precepts flow, the actions are the

Revenge, and pride, and deadly hate,
And avarice, tainting deep the mind,
With all the fury fiends that wait,
As torturing plagues, on human kind,
When ſhown in their own native light,
In truth's clear mirror, heavenly bright,
Like real monſters riſe;
But let illuſion's powerful wand
Transform, arrange the hideous band,
They cheat us in diſguiſe:
We dreſs their horrid forms in borrow'd rays,
Then call them glory, and purſue the blaze.

O blind to Nature's ſocial plan,
And Heaven's indulgent end!
Her kinder laws knit man to man
As brother and as friend.
Nature, intent alone to bleſs,
Bids Strife and Diſcord ceaſe;
"Her ways are ways of pleaſantneſs,
"And all her paths are peace."
Even this auſpicious day would wear
A brighter face of joy ſerene,
And not one ruffling gale of care,
Diſturb the halcyon ſcene;
On lighter wings would Zephyr move,
The ſun with added luſtre ſhine,
Did peace, deſcending from above,
Here fix her earthly ſhrine:
Here to the monarch's fondeſt prayer
A juſt attention yield,
And let him change the ſword of war
For her protecting ſhield.

On MALICE.

THE breaſt in which this gloomy vice confin'd,
In ſecret ſhews the vile ignoble mind;
The downcaſt looks, and meditative ſtrife,
Point out the narrow ſoul, and worthleſs life:
The clog of all mankind — not fit to die,
This great diſturber of ſociety.
Revenge, he cries — dear as the miſer's pelf!
He hopes to vex the world, and plagues himſelf;
And he who ſtrives to do the ill he can,
Is more than brutal, and is leſs than man.
But ſtop — nor let me ſtrive to paint his ſhame,
But from the human race blot out his name:
So let him ſtifle all his ſtupid frenzy,
Swell like a toad, and burſt his ſoul with envy.

PARODY on the Ode of BRITANNIA, *from the maſque of Alfred. Occaſioned by the capture of the Eaſt-India fleet, Aug. 9. 1780.*

Fuimus Troes. VIRG.

WHen *Keppel* firſt from Britain's ſtrand,
Plough'd o'er the ſurge his liquid way,
Deep groan'd the Genius of the land,
And cruel mermaids ſung this lay:
"Yield, Britannia, yield the main,
To faithleſs France, and haughty Spain."

II.

The realms more wiſely rul'd than thee,
In turn emerge from abject thrall;
Whilſt thou, no longer great or free,
Art robb'd, inſulted by them all.
"Yield, Britannia, &c.

III.

In ſcorn ſtill deeper ſhalt thou ſink,
Still feebler from each adverſe ſtroke;
Thy blood each hoſtile ſhore ſhall drink,
And cheat thy native hemp and oak.
"Yield, Britannia, &c.

IV.

Thy rage no wrongs can teach to glow,
No baſe diſcomfitures inflame;
Theſe ſhall but ſtrip thy laurell'd brow,
And to thy foes tranſfer thy fame.
"Yield, Britannia, &c.

V.

To thee pertain'd the ſov'reign nod,
The poiſe of nations once was thine;
Till, cheer'd by thee, tho' curs'd of God,
Falſe patriots ſprung the fatal mine.
"Yield, Britannia, &c.

VI.

With virtue, from thy hated coaſt,
The Muſe retires in juſt diſdain:
Curs'd iſle! in brutal pleaſure loſt,
And the vile thirſt of ſordid gain.
"Yield, Britannia, yield the main,
To faithleſs France, and haughty Spain."

EPITAPH on Mr EDWARD HEWLETT, *a Tallow-chandler, who died from over-corpulency.*

HEre lies Ned Hewlett — honeſt fellow,
Who died by *fat* — and liv'd by *tallow*;
His *light* before men always *ſhone*.
His *mould* is underneath this ſtone:
Then taking things by the right handle,
Is not this life a *farthing candle?*
The longeſt age but a *wax taper*,
A *torch*, blown out by ev'ry vapour?
To-day 'twill *burn* — to-morrow *blink*,
And end, as mortals, in a ſtink.
If this be true, then honeſt Ned
Is a *wax light* among the dead;
His *fluted* form ſtill ſheds perfume,
And ſcatters *luſtre* round his tomb:
Then what is mortal life? — why — tuſh,
This mortal life's not worth a *ruſh*.

HISTORICAL AFFAIRS.

SCOTLAND.

[The extraordinary length of the advices from Carolina has obliged us to defer ſeveral articles.]

The general aſſembly of the church of Scotland met, at Edinburgh, on Thurſday May 24. [42. 330.]—After a ſermon from Matth. v. 14. by Dr Harry Spens, miniſter at Wemyſs, Moderator of the former aſſembly, in the high church, the members convened in the aſſembly-houſe.—Dr Spens propoſed Dr William Dalrymple, miniſter at Ayr, to be his ſucceſſor; and no other perſon being propoſed by any of the members, he was unanimouſly choſen.—George Earl of Dalhouſie was High Commiſſioner, this the fifth time. His Grace preſented his commiſſion, the King's letter to the aſſembly, and the warrant for payment of the 1000 l. of Royal bounty.

The following offices having become vacant by the death of Mr James Edmonſtone, the aſſembly unanimouſly appointed Dr William Gloag, one of the miniſters of Edinburgh, to be Sub-clerk to the aſſembly and the commiſſions thereof, and Clerk to the committee of the Royal bounty; and Mr George Cairncroſs, writer in Edinburgh, to be Agent for the church.

A motion was made for an addreſs to the King, which was unanimouſly agreed to; and the committee that was appointed to prepare a draught of the anſwer to the King's letter, was appointed to prepare alſo a draught of the addreſs.

Friday, May 25. On report of a committee, the following miniſters were appointed to lecture and preach in the forenoon, and to preach in the afternoon, before the Commiſſioner, viz. Profeſſor George Hill of St Andrew's in the forenoon, and Mr George Lawrie of London in the afternoon, of Sunday, May 27.; and Mr Robert Walker of Cramond in the forenoon, and Mr William Burnſide of Dumfries in the afternoon, of Sunday, June 3.

Saturday, May 26. Draughts of the anſwer to the King's letter, and of the addreſs, were preſented, read, and approved of unanimouſly, ſubſcribed by the Moderator, in preſence of the aſſembly, and at their deſire the Commiſſioner undertook to tranſmit them.—The addreſs was preſented by the Viſcount Stormont, was received very graciouſly, and appeared in the gazette of June 2. viz.

"May it pleaſe your Majeſty,

WE your Majeſty's moſt loyal and dutiful ſubjects, the miniſters and elders met in the national aſſembly of the church of Scotland, humbly beg leave to approach your throne, to expreſs our firm attachment to your perſon and government; and to aſſure you, that the ſentiments which we entertain are the ſentiments of the people committed by Providence to our charge.

With the moſt lively joy and heart-felt ſatisfaction we have beheld the increaſe of your Majeſty's family in your royal offſpring; an event which, while it contributes to your Majeſty's domeſtic felicity, muſt, on that account, give pleaſure to all your loyal ſubjects, but which, in a particular manner, muſt be felt as of the utmoſt national importance, by encouraging us to hope for a long continuance of thoſe civil and religious bleſſings, which, as Britiſh ſubjects and Proteſtants, we have hitherto enjoyed under the government of your illuſtrious houſe.

The tumultuous outrages which, under the maſk of religious zeal, have diſturbed the peace of your Majeſty's ſubjects, filled us with the deepeſt concern; and we heard with abhorrence the name of our holy faith proſtituted to encourage acts of violence, which were adverſe to its principles, and forbidden by the precepts of our bleſſed Redeemer.

While your Majeſty was engaged in a neceſſary though expenſive war againſt the ancient enemies of theſe realms, and againſt your own rebellious ſubjects, in ſupport of the honour, dignity, and juſt prerogatives of your crown, we have ſeen with indignation your ancient allies, who ought to have been united to your Majeſty by the cloſeſt ties of religion, civil intereſt, and gratitude, not only refuſing to ſupply your Majeſty with ſuch ſuccours as by treaty they were bound to give, but even affording their aſſiſtance to your enemies, to enable them the more effectually to purſue hoſtile meaſures againſt your Majeſty. We rejoice in the ſucceſs which it hath already pleaſed the Almighty to beſtow upon your arms in chaſtiſing their perfidy; we indulge the hope, that this ſucceſs may be a mean of opening their eyes, and of renewing the friendſhip which, to the mutual

mutual advantage of both nations, ſo long ſubſiſted between Great Britain and the States of Holland: And we confide in the wiſdom of your Majeſty's councils, under the Divine Providence, for bringing the preſent bloody and deſtructive war to a happy iſſue.

In the mean time, we conſider it to be our peculiar duty, at this juncture, to cheriſh the loyalty and affection to your Majeſty, and the zeal for the ſucceſs of your arms, which prevails among all ranks in this part of your dominions; and to impreſs thoſe over whom we have influence with a due ſenſe of the bleſſings they enjoy under your Majeſty's government, and of thoſe duties of charity and brotherly love which they owe to each other, and to their fellow Chriſtians.

That the Lord of Hoſts may go forth with your fleets and armies; that he may crown your arms with victory; and that your Majeſty may long reign over a free, happy, and united people, is the ſincere and ardent prayer of,

May it pleaſe your Majeſty,

Your Majeſty's moſt faithful, moſt obedient, and moſt loyal ſubjects,

The Miniſters and Elders met in this National Aſſembly of the Church of Scotland.

Signed in our name, in our preſence, and at our appointment, by

WILLIAM DALRYMPLE, Moderator.

Edinburgh, May 26. 1781."

Tueſday, May 29. The aſſembly took under conſideration the caſe of the pariſh of Terregles. — The church of Terregles having become vacant by the death of the Rev. Mr John Heron, in the 1780, the Duke of Queenſberry, undoubted patron of the pariſh, granted a preſentation to Mr John Kennedy of that benefice. The preſentation, and a letter of acceptance from the preſentee, were laid before the preſbytery of Dumfries, who, on the 1ſt of Auguſt, appointed a moderation of a call on the 24th of that month. Of thirteen heritors, whereof the pariſh conſiſts, ſeven either ſigned the call, or concurred, by letters, with the ſettlement of the preſentee; one is not of the perſuaſion of this church; four, who did not ſign the call, made no oppoſition to the preſentee. One heritor only, Mr Mackinnel, appeared to oppoſe the ſettlement. The other three, who ſay they are commiſſioners from forty-eight heads of families, are not heritors in the pariſh. When the moderation was laid before the preſbytery on the 3d October, they did not proceed, but referred the matter to the ſynod of Dumfries. The ſynod, on 17th October, refuſed to ſuſtain the call to the preſentee; whereupon Mr Kennedy proteſted, and appealed to the aſſembly; and a number of the members of ſynod diſſented from the ſentence, and proteſted for liberty to complain to the aſſembly. Counſel being heard, after ſome reaſoning, a motion was made for the following ſtate of a vote, Reverſe the ſentence of the ſynod, or Not? Another motion was made, Reverſe, or Remit? A debate enſued, which of theſe motions ſhould be carried to a vote, when it was agreed to call the roll to know whether the firſt or ſecond motion ſhould be adopted. It carried for the firſt; by which means Mr Kennedy is appointed to be ſettled by the preſbytery with all convenient ſpeed, agreeable to the rules of the church.

Wedneſday, May 30. The aſſembly took into conſideration the caſe of the pariſh of Fenwick, which came before them by petition from the patron, the Earl of Glaſgow, and his curators, againſt a ſentence of the ſynod of Glaſgow and Air. As this cauſe, in its moſt material circumſtances, is ſimilar to that which was before laſt aſſembly from the ſame place, and of which our readers will ſee an account in our laſt volume, a few particulars will ſuffice. — Mr Reid, the former preſentee, finding that moſt of the pariſh were exceedingly averſe to his ſettlement, reſigned his preſentation, notwithſtanding a judgement of laſt aſſembly in his favour. Upon this the Earl of Glaſgow and his curators preſented Mr William Boyd. But unluckily this gentlemen was equally obnoxious, and of courſe met with equal oppoſition. On the day appointed for the moderation, none of the pariſh came forward to ſign the call. Afterwards letters from ſome of the heritors concurring with the preſentee were produced to the preſbytery; and ſeveral elders and heads of families appeared on the oppoſite ſide, and gave in a paper, bearing to be the minutes of a meeting of the pariſh, ſigned by *James Cuthberſon*, preſes of the meeting, in name of the whole pariſh, impowering them to oppoſe the ſettlement. This paper ſet forth, " That Mr Boyd can have no call or concurrence into this pa-

riſh

riſh for a paſtor; and he can be of no benefit apparently in this pariſh;" and therefore craved, that the preſbytery "would interpoſe with the patron, that he or they would condeſcend ſo far as to have an agreeable ſettlement of a paſtor in this pariſh, by having ſome concurrence with the people of Fenwick anent the choice of a miniſter of this pariſh." The preſbytery declined giving judgement, but referred the matter to the ſynod. The ſynod accordingly, after hearing parties, pronounced the following judgement. "The ſynod did, and hereby do, ſiſt all procedure in this affair of the ſettlement of Fenwick, underſtanding thereby, that the preſentee is laid aſide; and the preſbytery of Irvine are appointed to inform the Rt Hon. the patron of Fenwick of this ſtep the ſynod has taken, and to beg of him to preſent *de novo*." From which ſentence twelve members diſſented.

Parties were fully heard; and after long reaſoning in the aſſembly, a motion was made, "to reverſe the ſentence of the ſynod of Glaſgow and Air, and remit the cauſe to the preſbytery of Irvine, to take in and conſider what additional concurrence may be offered, and uſe their beſt endeavours to reconcile the people to the preſentee, and thereafter to proceed towards the ſettlement according to the rules of the church." Another motion was made, "to reverſe the ſentence of the ſynod of Glaſgow and Air, ſuſtain the concurrence with the preſentee, and appoint the preſbytery of Irvine to proceed towards the ſettlement of Mr Boyd with all convenient ſpeed." The aſſembly, without a vote, agreed to reverſe the ſentence of the ſynod of Glaſgow and Air. The queſtion was then put, Appoint, or Remit? it being underſtood, that if Appoint carried, the ſecond motion ſhould be adopted, and if Remit, the firſt: it carried, Appoint; ſo the ſecond motion was adopted.

From this judgement the following members diſſented, viz. Dr Hunter, Edinburgh; Dr Johnſton, North Leith; Meſſ. Spankie, Falkland; Buchanan, Stirling; Davidſon, Kippen; Kemp, Edinburgh; Dunbar, Dunning; Johnſton, Holywood; Paul, Newbattle; Walker, Cramond; Calder, Croy; Martin, Monymeal; Wright, Trinity-Gaſk; Snodgraſs, Dundee; Bryce, Logie and Port; Jardine, Bathgate; Mochrie, Colmonell; Niſbet, Montroſe; Williamſon, Tinwall; Furlong, Rutherglen; Robertſon, Kirkconnel; Thomſon, Carnock; Lyon, Strathmiglo; Lundie, Oldhamſtocks; Dalgleiſh, Ferry-Parton-Craigs, miniſters; — Bailie Miller, Canongate; Bailie Orr, Paiſley; Bailie Hutton, Dunfermline; Bailie Walker, elders. The reaſons of diſſent are theſe: 1. Becauſe the ſentence of aſſembly, ſuſtaining the call to Mr Boyd, is contrary to the eſſential forms and eſtabliſhed practice of the church. There was not a ſingle ſubſcription adhibited to the paper intitled and produced as a call. Four letters from non-reſiding heritors were indeed laid before the aſſembly, but two of theſe were never judged of by the inferior courts; and though the others might have been admitted in aid of ſubſcriptions to a call, they could in no conſiſtency, either with equity or common ſenſe, be ſuſtained as a call, or received as evidence of a concurrence, where no call exiſted. 2. Becauſe though there had been no objection in point of form to the call of the preſentee, the ſentence, appointing the preſbytery of Irvine to proceed immediately to the ſettlement, is, in our opinion, both unconſtitutional and inexpedient. It proceeds on the concurrence of four non-reſiding, without any regard to upwards of forty reſiding heritors, to the whole elders of the pariſh, and to the great body of the people, all of whom ſeem to be firmly united in oppoſing the preſentee. The preſent circumſtances of the caſe affording no proſpect whatſoever of uſefulneſs or comfort to the preſentee, the peremptory appointment of the aſſembly to proceed immediately to his ſettlement, has a manifeſt tendency to rivet the oppoſition, and to render Mr Boyd completely uſeleſs and unhappy as miniſter of Fenwick. 3. Becauſe to have remitted the cauſe to the preſbytery of Irvine, in its preſent ſtate, as was propoſed, with inſtructions to receive ſuch concurrence as might yet be offered them, and to uſe their beſt endeavours to reconcile the people to the preſentee before they proceeded to his ſettlement, would at the ſame time have rendered the proceedings more agreeable to the forms and practice of the church, and might have produced the beſt effects on the future comfort, reſpect, and uſefulneſs of Mr Boyd

Boyd in the parish of Fenwick. 4. Because the sentence is calculated to support and carry on measures in the settlement of ministers which, in our opinion, have a manifest tendency to alienate the minds of the people of Scotland from the established church, and to destroy the credit and influence of the established clergy. 5. Because sentences of this kind must, in our apprehension, put an end to the confidence of the people in the supreme ecclesiastical court, and of consequence weaken the authority and effect of its decisions.

Thursday, May 31. The assembly this day considered the overtures from the synods of Glasgow and Air, Dumfries, and Perth and Stirling, concerning the mode of supplying vacant parishes.

The synod of Glasgow and Air overtured, That it shall not be henceforth competent for any judicatory of this church to sustain a call, or in any way proceed to the settlement, of any minister or probationer to be pastor in any congregation, unless where a majority of the heritors and elders, and other members of the congregation, shall subscribe the call, or consent thereto; and that all settlements that shall be made without the consent of the congregation, as above, are hereby declared to be null and void; it being the true meaning and intent of this overture, that it be enacted and declared, that no minister, by the constitution of this church, is to be intruded into any parish contrary to the will of the congregation.

This overture, which was not supported by any of the members of the synod, nor of the assembly, was dismissed without a vote, as incompetent and of a dangerous tendency.

Mess. Thomson at Carnock, Oliphant at Dumbarton, Finlay at Paisley, ministers, and John Orr at Paisley, elder, dissented against that part of the sentence which declares the overture incompetent and of a dangerous tendency, for these reasons: 1. Because declaring it incompetent seems to imply something unconstitutional in its nature, or that it is beyond the power of the assembly to enforce the observance of it, even if turned into a standing law; neither of which, they presume, is the case. They think the motion highly constitutional, similar acts having formerly received the sanction of this church, though now fallen into desuetude, or counteracted by an unhappy train of decisions. Nor do we think it beyond the power of the church to enforce, if approved of by a majority of presbyteries, as our church has a power to controul the arbitrary exercise of patronage, which power it is her duty at present to exert, when thousands of Christians are driven by our decisions into a separation from her communion. 2. Because we can apprehend no danger, either to church or state, from the assembly's enacting it into a law, but rather think it would promote our peace and safety. In support of this opinion we might appeal to those happier days of the church, when her ministers were settled by the call, or at least with the consent of the congregations among whom they were to labour: How great the confidence which the people reposed in their ministers! how extensive the influence of the ministers over their people! how strong the bond of union formed by both against their common enemies. This union and mutual confidence was meant to be restored by the overture in question, which we think it had a great tendency to promote. 3. Because the present overture, if adopted, could never have passed into a law, without the consent of the majority of presbyteries in this church; and by being debated in the assembly, and the opinions of presbyteries regularly transmitted, any thing defective or superfluous in the original plan might have been corrected.

On a motion, the assembly agreed to consider the overture from the synod of Dumfries, and the last clause of the overture from the synod of Perth and Stirling together, as they contain matter of a similar nature.

The synod of Dumfries overtured, That the assembly will collect into one body all the acts of the church relative to the settling of ministers in vacant congregations, from the earliest periods of this church until the year 1712, when patronage was taken out of the hands of the heritors and elders, and restored to the old patrons by the act of parliament 1712; that they will declare what is the sense of the church on these laws, and particularly define what concurrence is necessary by these laws to form such a call as the church ought to proceed upon to the settlement of a minister in any vacant congregation; and that the assembly would throw these articles into an overture, and transmit it to presbyteries,

in order to have their opinions upon it. The laſt clauſe of the overture from the ſynod of Perth and Stirling is to this purpoſe: That the aſſembly will enjoin, that the moderation of a call to a preſentee ſhall in no caſe be diſpenſed with by any of the preſbyteries of this church. ——This clauſe, and the overture from the ſynod of Dumfries, were diſmiſſed without a vote.

The aſſembly next proceeded to conſider the remaining part of the overture from the ſynod of Perth and Stirling. It overtures, That, in conformity to the fundamental conſtitution of the church, the aſſembly will be pleaſed to reſolve and enjoin, that no papers or evidence whatever, not offered to the inferior court, ſhall be received at diſcuſſing any appeal or complaint; but that when any new matter or evidence occurs which the parties judge of importance, the cauſe ſhall be remitted to the inferior court; and that no letters or writs of concurrence be regarded, unleſs they be regularly authenticated by the preſbytery of the bounds. This part of the overture the aſſembly diſmiſſed, as what it propoſes is already ſufficiently ſecured by the ſtanding rules of the church.

Friday, June 1. In compliance with a requiſition of the committee on the pſalmody of May 26. ſome members of this aſſembly were added to their number; and they reported this day, "That having carefully peruſed and conſidered the Collection, it is their opinion, that copies thereof ſhould be tranſmitted to preſbyteries, in order that they may ſend up their opinion of it to next aſſembly; that it ſhould be allowed to be uſed in the mean time in public worſhip; that this committee ſhould be re-appointed, to conſider of any amendments that may be ſuggeſted previous to the tranſmiſſion to preſbyteries; and to cauſe print a proper number thus corrected for the conſideration of preſbyteries and public uſe; that the expence already incurred for printing ſhould be paid out of the public funds of the church; and to prevent the paraphraſes from being incorrectly printed, the printer for the church ſhould have an excluſive privilege of printing them for the term of five years;" with which report the aſſembly agreed, re-appointed the committee, and gave Mr Dickſon the excluſive privilege of printing them during the time propoſed.

The ſub-committee for overtures reported, That the report made by preſbyteries concerning the two overtures that have for ſome years been tranſmitted by the aſſembly; firſt overture, concerning the ordination of elders, thirty-two approve, five diſapprove; Perth, Kirkaldy, and Peebles, propoſe amendments; ſecond overture, concerning the licenſing of probationers, thirty-five approve, two diſapprove; Caithneſs thinks too prolix; and Haddington, Dumfries, Stranraer, Air, Irvine, Paiſley, Lanerk, Stirling, Kirkaldy, Aberdeen, Forres, and Tain, propoſe amendments.

The aſſembly next took into conſideration the overture from the ſynod of Merſe and Teviotdale, concerning the licenſing probationers; which is to this effect. "The ſynod of Merſe and Teviotdale, having taken into their ſerious conſideration the dangerous conſequences that may ariſe to the church, ſhould young men be received on trials who have never ſtudied divinity at an univerſity, did and hereby do unanimouſly agree to overture to next general aſſembly, that to prevent the deciſion of laſt aſſembly on this ſubject [42. 273.] from being uſed as a precedent, they ſhall make an interim act prohibiting this practice, to continue in force till the overture preſently tranſmitted, anent licenſing probationers, ſhall be approven or rejected by a majority of preſbyteries." Which overture the aſſembly agreed to turn into an interim act; and retranſmitted to preſbyteries the general overture about licenſing probationers.

The caſe of the pariſh of Carſphairn was next taken into conſideration. The crown and Mr Newall of Barſkeoch are joint patrons of this pariſh. Upon its becoming vacant by the death of the laſt incumbent, Mr Newall, whoſe turn it was to preſent, granted a preſentation in favour of Mr Robert Aſſleck; "which," as ſet forth in the Caſe for the appellants, "was laid before the preſbytery of Kirkcudbright on July 5. 1780, together with a letter of acceptance by the preſentee. The preſbytery ordered the preſentation and letter of acceptance to lie on the table till next meeting, and appointed Mr Aſſleck to preach upon Sabbath, July 16. in the church of Carſphairn. When the preſentee repaired to the church on the day appointed, he found, either from deſign or accident, the church locked, and the beadle out

of

of the way. He however preached there on the 30th of the same month; and it is believed his appearance gave full satisfaction to the congregation; for, although the conduct of the presbytery has given every encouragement to an opposition in the parish, nothing like a general opposition has taken place." At this time some dispute arose between the officers of the crown and Mr Newall about the right of presenting; and a presentation from the crown, in behalf of one Mr Blain, appeared in the field. This stopped the procedure of the presbytery for some months. But that dispute being ended, by the crown relinquishing its claim, the presbytery appointed a committee to moderate a call for *one* to be minister of the parish, and fixed the 19th of April for the moderation.

"All ranks and degrees of men in the parish," says the Case for the respondents, "had seen this presentation in favour of Mr Affleck with great concern. They were not, however, influenced by any prejudices against the right of patronage in general. They were ready and willing to pay all due regard to Mr Newall's legal right as patron; but they hoped and wished that he would also pay some attention to their legal and religious rights as men and Christians; and that he would give them a pastor who could labour with usefulness in the sacred office committed to him, whose unblemished character would command reverence and esteem, and add weight to instruction; in which light they are sorry to be obliged to say, they cannot look upon Mr Affleck; but on the contrary, they do seriously believe, that his appointment to this parish would have the worst effects to the interests of religion."

Upon April 19, the day appointed for moderating in the call, the committee met at Carsphairn kirk; and a number of parishioners attended. A call in favour of Mr Affleck was written out. Two letters were produced authorising the moderator of the committee to subscribe the call; one from Mr M'Courtie of Formiston, the other from Alex. Ferguson, tutor to Mr Kennedy of Knockgray. At the same time there was offered to the committee, a representation signed by seven heritors, six elders, and eighty heads of families, setting forth, that they could not in conscience sign the call in favour of Mr Affleck, and protesting against his being their minister; "because we are certain, from the knowledge of the opinion which the parishioners have of his fitness to be their minister, that he can be no wise useful to them, as, from his past life and conversation, as represented unto them, they neither would chuse to follow his example, nor could they be benefited by the doctrine he should teach contrary thereto: but they delay entering into any particulars upon this head, being unwilling to say or condescend upon any thing disagreeable to Mr Affleck." The committee however declined to receive it.

The committee reported to the presbytery, May 2. in substance as follows: That the call had been produced at the church; that the people were told they might sign it if they pleased; that there was produced a letter from Mr M'Courtie, an heritor, and for Mr Ferguson of Craigdarroch, tutor for Mr Kennedy of Knockgray, another heritor, under age, and also a letter from Mr Edgar of Elfishields, all concurring with the settlement; that the moderator of the committee had signed for Mr M'Courtie, but declined signing for Mr Ferguson; and farther there was presented to the committee a representation by certain heritors, elders, and heads of families, refusing to sign the call for Mr Affleck, and protesting against his being minister, and requesting liberty to sign a call in favour of one Mr Smith; which paper the committee had refused to transmit, having, in their apprehension, no power so to do; that the committee having adjourned for an hour and an half, there was then presented a call to Mr Smith, signed by sundry persons, which they refused to receive or attest; whereupon Thomas Jackson, who presented it, protested, and appealed to the presbytery. Upon considering the above report, at which time there was produced a letter, dated April 19. addressed to the moderator of the presbytery, from Mr M'Courty, in whose name only the call had been signed, importing, that the paper or letter, signifying his approbation of Mr Affleck, had been presented to him ready written, and he unthinkingly adhibited his name without reading its contents, but that in reality he, for several reasons, could not approve of Mr Affleck's being minister of Carsphairn, the presbytery came to the following resolutions: That the subscription of the call by the moderator in Mr

M'Courtie's name could be of no effect, in reſpect he had, by a ſubſequent letter, refuſed his concurrence; that the concurrence of Mr Ferguſſon as tutor for Mr Kennedy could not be received; and that the committee ſhould have received the repreſentation of the oppoſers of the ſettlement; that Mr Edgar's letter this day produced, is evidence of his acquieſcence in the preſentee's ſettlement: and the preſbytery having then proceeded to give judgement, they refuſed to ſuſtain the call in favour of Mr Aſſleck, and therefore found they could not proceed farther in his ſettlement. Againſt this judgement an appeal was taken by the patron and preſentee to this aſſembly.

After long reaſoning in the aſſembly, a motion was made, to reverſe the ſentence of the preſbytery of Kirkcudbright, ſuſtain the concurrence to Mr Affleck, and appoint the preſbytery to proceed towards his ſettlement with all convenient ſpeed, according to the rules of the church. A ſecond motion was made, Affirm the ſentence of the preſbytery, refuſe to ſuſtain the call in favour of Mr Aſſleck, and find they cannot proceed farther in his ſettlement. The vote was then put, Affirm, or Reverſe, when there appeared for reverſing 74, and for affirming 72; upon which the aſſembly reverſed the ſentence of the preſbytery of Kirkcudbright, ſuſtained the call to Mr Affleck the preſentee, and appointed the preſbytery to proceed towards his ſettlement with all convenient ſpeed, according to the rules of the church.

Againſt this ſentence the following members diſſented, viz. Dr Hunter, Edinburgh; Dr Johnſton, North Leith; Meſſ. Forreſt, Port Glaſgow; Kemp, Edinburgh; Dow, Dron; Oliphant, Dumbarton; Spankie, Falkland; Aitken, Morton; Niſbet, Montroſe; Thomſon, Carneck; Williamſon, Tinwall; Jardine, Bathgate; Robertſon, Kirkconnel; Wright, Trinity Gask; Burnſide, Dumfries; Anderſon, Gorbals; Walker, Cramond; Dunbar, Dunning; Martin, Monymeal; Lundie, Oldhamſtocks; Johnſton, Holywood; Forelong, Rutherglen; Peebles, Newton on Ayr; Shepherd, Muirkirk; Monro, Lochcarron; Tait, Kilbucho; Lyon, Glammis; Calder, Croy; Buchanan, Stirling; Bryce, Logie and Port; Snodgraſs, Dundee; Dalglieſh, Ferry-Parton-Craig; Lyon, Strathmiglo; Inglis, Kirkmabreck; Graham, Fowſſey; Paul, Newbattle; Finlay, Paiſley; Mochrie, Colmonell; Davidſon, Kippen; Kettle, Leuchars, miniſters.—Rich. Lake, writer, Edinburgh; Bailie Orr, Paiſley; Tho. Hearkneſs, at Mitchell-Slacks; Walter Scott, merchant, Edinburgh; Bailie Fergus, Kirkaldy; Bailie Gentle, Canongate; Bailie Miller, Canongate; And. Pitcairn, writer, Dundee; Bailie Hutton, Dunfermline; Bailie Parker, Kilmarnock. elders. The reaſons of diſſent are as follows. "From this ſentence we think ourſelves bound to diſſent, 1. Becauſe there is no call whatſoever to the preſentee. Though there are ſixteen heritors, and a conſiderable number of elders, one perſon alone having a real intereſt in the pariſh has ſignified his concurrence with the preſentee. That gentleman is a non-reſiding heritor, of ſmall property in the pariſh, and who lives at the diſtance of at leaſt forty miles from Carſphairn. We have ſeen, with much concern, ſeveral late deciſions of the aſſembly, in our apprehenſion, of very dangerous conſequence; but we conſider this as the moſt violent attack ever made on that fundamental principle of our conſtitution, the neceſſity of a call in order to conſtitute a paſtoral relation between a miniſter and a people, and to intitle a preſentee to receive collation to a benefice in the church of Scotland: A principle eſtabliſhed not only by the ſtanding laws of the church, by immemorial practice, and by the ſolemn forms which relate to the ordination and admiſſion of miniſters, but which, in our judgement, has received ſanction, even from the act of parliament reſtoring patronage. The majority themſelves ſeem to have been conſcious of the ſingularly unfavourable circumſtances of this caſe, ſince they have found it neceſſary to adopt a language new and unprecedented in the ſentences of aſſembly concerning the ſettlement of miniſters; and, inſtead of ſuſtaining the *call*, have ſuſtained the *concurrence* with the preſentee. 2. Becauſe there is not only no call to the preſentee, but a declared and judicially authenticated oppoſition to his ſettlement from the far greater part of the landed intereſt, from the elders, and the whole body of heads of families in the pariſh; an oppoſition, which in our apprehenſion, has not ariſen from wanton acts and caprice, but from cool and deliberate judgement. We conſider this ſentence, therefore, as amounting

mounting to a declaration from this aſſembly, that, in the ſettlement of miniſters, no regard is due to any claſs or order of men, but to the patron alone; that in all time coming, patronage, in its moſt unlimited and rigorous exerciſe, is to be ſupported; and, in particular, that the ſentiments of the gentlemen of landed property in Scotland, however conſiderable or reſpectable, will be more regarded than thoſe of the meaneſt of the people: A declaration at all times impolitic, as well as unjuſt, and, in this age of prevailing licentiouſneſs and diſreſpect to religion, highly inexpedient and dangerous. 3. Becauſe, as was obſerved in the reaſons of diſſent in the caſe of Fenwick, we are convinced, that meaſures of this kind have a direct and manifeſt tendency to alienate the minds of our countrymen from the eſtabliſhed church, to deſtroy the reſpect and influence of the parochial clergy, and to render them incapable alike to promote the intereſt of our holy religion, and to diffuſe among the people the principles of loyalty and affection to government. 4. Becauſe the great deſign of the ſettlement of miniſters being to promote the edification of the people committed to their charge, we think it eſſentially neceſſary, that, before the ſettlement of a preſentee is appointed by the church, there ſhould be ſome probable ground to hope, that this important end will be accompliſhed; but, in this caſe, we are fully convinced, from the evidence laid before the aſſembly, that there is no proſpect of uſefulneſs to Mr Affleck in the pariſh of Carſphairn; and we could not have juſtified ourſelves to our own minds, if, in ſuch circumſtances, we had not, in this conſtitutional manner, expreſſed our diſapprobation of, and diſſent from, the ſentence appointing his ſettlement.—Theſe are the ſentiments which we entertain concerning this deciſion; and we mention them with the greater confidence, that, in the diviſion of the aſſembly, it was carried by a majority of only two votes, [74 voted Reverſe, and 72 Affirm, the ſentence of the preſbytery]. We think ourſelves called upon by our duty to God and to our country, to enter our diſſent; and, while we ſtate theſe reaſons, it is our earneſt prayer to the Supreme King and Head of the Church, that none of all the evils which we apprehend may ariſe from the ſentence which the aſſembly have pronounced.

Saturday, June 2. The aſſembly reſumed the conſideration of the report of the committee appointed to conſider Mr Lawſon's diſcourſes; and having heard the opinions of ſeveral members of the aſſembly who were preſent at the different meetings of the committee, and having alſo heard Mr Lawſon himſelf, they agreed to the report of the committee; which is of the following tenor. "*Edinburgh, May* 31. 1781. The committee report, That having heard three of Mr Lawſon's diſcourſes, and a letter of his to the preſbytery of Auchterarder, in anſwer to a queſtion of the preſbytery's put to him reſpecting his communicating, they found in the diſcourſes ſuch proofs of incapacity, and in the letter ſuch a ſpirit, as in their unanimous opinion fully juſtified the ſentence of the preſbytery refuſing to grant him a licence." Upon which the aſſembly affirmed the ſentence of the preſbytery of Auchterarder refuſing to grant Mr Lawſon a licence. Againſt this judgement Mr Cowan miniſter at Gladeſmuir diſſented. — Mr Lawſon has been ten years before the preſbytery of Auchterarder, and ſix of theſe before the aſſembly.

The aſſembly next conſidered an appeal from a ſentence of the ſynod of Fife, at the inſtance of the magiſtrates and town-council of Newburgh. In this caſe, there are two claiming the right of patronage; the preſbytery have ſuſtained one of the preſentations; an appeal was taken to a diſtant ſynod, and the queſtion turned, whether the appeal was right or wrong, in regard there was a meeting of ſynod within eight days of the meeting of the preſbytery who pronounced the judgement. The aſſembly found that it was a proper appeal, and remitted the cauſe back to the ſynod, to take in, and judge of the appeal.

A petition of Meſſ. Thomſon and Fernie, miniſters at Dunfermline, was then read. It ſets forth, That the miniſter of the chapel of eaſe at Dunfermline has been in uſe of baptizing the children of perſons in the pariſh of Dunfermline and the children of others lately come to it, or formerly belonging to the different ſectaries in it, without any certificate of their moral character given in to us or our kirk-ſeſſion; and the children of perſons not reſiding in the pariſh, without a line from their pariſh miniſter; has ſolemnized marriages; and has adminiſtered the Lord's ſupper without ſubmitting the moral

moral characters of the communicants in the pariſh to the judgement of our kirk-ſeſſion, and employing elders belonging to other pariſhes to ſerve at the tables. This the petitioners think inconſiſtent with the conſtitution of the church, and the act of aſſembly conſtituting that chapel of eaſe. The aſſembly unanimouſly diſmiſſed the petition as incompetent.

Monday, June 4. A reference from the ſynod of Lothian and Tweeddale, and regulations drawn up by the preſbytery of Edinburgh, on the ſubject of irregular marriages, were taken into conſideration. Theſe regulations were enacted by the preſbytery in conſequence of a recommendation from the ſynod, occaſioned by complaints having been made to them of ſome irregularities that were practiſed in ſolemnizing marriages, in and about Edinburgh. The moſt material of the regulations are, That no marriage ſhall be celebrated without a certificate be produced from the ſeſſion-clerk, that the banns have been regulary proclaimed; and every certificate muſt bear the names, deſignations, and places of abode of the parties; that when the parties reſide in different pariſhes, certificates muſt be had from each pariſh; that no perſon ſhall be conſidered a reſidenter, till he ſhall have reſided ſix weeks in the pariſh; that no ſeſſion-clerk ſhall grant a certificate, till he have evidence, for which he ſhall be anſwerable, that the party has reſided ſix weeks in the pariſh, that he is unmarried, and that he is not within the forbidden degrees of conſanguinity. The miniſters of the preſbytery of Edinburgh agree to adhere ſtrictly to the foregoing regulations; and the preſbytery enacts and ordains accordingly. Theſe regulations the ſynod ſubmitted to the aſſembly, apprehending they would have greater weight, if eſtabliſhed by the ſupreme authority of this church. The aſſembly remitted the matter to the conſideration of a committee, and appointed them to make their report to next aſſembly.

All cauſes brought before the aſſembly, and not determined by them, were referred to the commiſſion, to be taken up in the order they are marked on the aſſembly roll.

The aſſembly was concluded in the uſual manner, and the next aſſembly is appointed to be held in the ſame place upon Thurſday, May 23. 1782.

CAPTURES. [222.]

From Lloyd's Liſt.

By Britiſh men of war.

By the Creſcent: A French privateer of 16 guns, carried into Plymouth.

By the Scourge ſloop: A ſhip from Surinam, carried into Barbadoes.

By Adm. Darby's fleet: The Duc de Chartres, and another French privateer, of 18 guns each.

By the Berwick and Belle Poule: The Calonne privateer of Dunkirk, Luke Ryan commander, of 32 guns and 240 men, carried into Leith road.

By the Active, Inglis, from St Kitts: L'Audacieux privateer of St Maloes, of 19 guns and 40 men.

By Britiſh privateers, &c.

By the St David, Price, from Newfoundland: A Spaniſh ſhip, of 22 guns and 83 men, from Malaga to the Havannah, laden with brandy, wine, &c. carried into Antigua.

By the Enterpriſe of London: A Dutch Weſt Indiaman, carried into Portſmouth; the brig, Chance, from Belfaſt for Barbadoes, with herrings, carried into King Road; and the Draper, from Limerick, with beef and pork, retaken, and ſent into Swanſey.

By the Tarleton of Glaſgow, and the Orange of London: The Tomlin, an American ſhip, of 16 guns, and 74 men, from Baltimore for Nantz, with tobacco, valued at 9000 l. carried into Clyde.

By the Sarah, Goulborn, Lewtas: Two prizes, carried into Montſerrat.

The Balgrove, from Clyde for Jamaica, retaken by her crew, and carried into Cork.

By a Drogheda privateer: A large Dutch Weſt Indiaman, laden with indigo, &c. valued at 20,000 l.

By the Terror of Liverpool: A French packet, from Nantz for Boſton, carried into Liverpool.

By the Gull: The St Anna Marie, carried into St Ives.

By the James, Fiſher, from the Leeward Iſlands: A ſhip from Corunna for Boſton, carried into Liverpool.

By the Betty, Wilſon, on her paſſage to Greenland: A Dutch ſhip from St Euſtatia for Amſterdam.

By the York, of Jerſey: La Laboureuſe, and Le St Louis, both from Bayonne for Nantz; L'Eſperance En Dieu, from ditto for Breſt; and La Pelagie Louiſe, from ditto for L'Orient, loaded with roſin, wine, ſoap, &c.

By the Lady Howe, of Dartmouth: The Genaamd Negotie, from Demerary for Middleburg, with coffee, cotton, ſugar, &c. valued at 30,000 l.

MAR-

MARRIAGE.

May. At London, John Henderſon, Eſq; member of parliament for Dyſart, &c. and ſon of Sir Robert Henderſon, Bt, to Miſs Robertſon, daughter of Gen. Robertſon, Governor of New York,

BIRTH.

May 21. At Belton-houſe, Mrs Hay of Belton, of a ſon and heir.

DEATHS.

May 2. At London, Lady Charlotte Percy, only daughter of Earl Percy.

3. At London, in the 104th year of her age, Mrs Carlton, ſenior.

6. At Abercairny, Lady Dowager Rollo, daughter of James Moray, Eſq; of Abercairny.

6. At Kenſington, Hugh Vaughan, Eſq; aged 101.

7. At Edinburgh, Mrs Margaret Boyd, daughter of the Hon. Mr Thomas Boyd, Advocate, uncle to the late Earl of Kilmarnock.

8. At Champfleurie, Mrs Johnſton of Straiton.

9. At Engleſield Green, near Staines, in the 61d year of his age, William De Gray, Lord Walſingham. His Lordſhip was created a Baron in 1780, on his reſignation of the Chief Juſticeſhip of the court of common pleas.

10. At Edinburgh, Capt. Thomas Nairne, late of the Eaſt-India Company's ſervice.

At Port-Glaſgow, Mrs Ritchie, widow of Duncan Ritchie, ſmith in that town, aged 110 years and upwards.

11. At Dublin, in the 66th year of his age, William Croſbie, Earl of Glandore, &c. a privy counſellor of Ireland. He has left iſſue one ſon and three daughters.

12. At Edinburgh, Rachel Maule, daughter of the late Mr Harry Maule, writer to the ſignet, and ſpouſe to Dr William Bruce of Cowden.

14. At London, Lt-Gen. William Amherſt, (brother to Lord Amherſt), Adjutant-General of his Majeſty's forces, Colonel of the 32d regiment of foot, and Governor of St John's, Newfoundland.

16 At Cromarty, Mrs Macleod, dowager of Geaneas.

17. At Edinburgh, in the 76th year of his age, Mr Alexander Murray, printer.

17. At Aberdeen, Mr Alexander Thomſon, bookſeller in that city.

18 At Elgin, Alexander Brodie of Windyhills, Eſq; in the 80th year of his age.

18 At Aberdeen, the Rt Rev. Mr George Innes, a dignified clergyman of the Epiſcopal church of Scotland.

18. At Inverek, Lady Amilia Halket, widow of Sir Peter Halket of Pitfirren.

18. At Aberdeen, the wife of Mr Lamb. She dropped down on the ſtreet as ſhe was coming from market, and ſurvived only a few hours, after being carried home.

18. At Aberdeen, Mr George Allan, baker. He dropped down dead while ſitting at ſupper with his family.

18. At London, aged 81, William Aiſlabie, Eſq; member of parliament for Rippon in Yorkſhire, and one of the auditors of the impreſts.

19. At his houſe in Fifeſhire, David Bruce, Eſq; of Kinloch.

19. Mr George Henderſon merchant in Edinburgh.

20. At London, Mrs Thomas, wife of Mr Thomas, lottery-office keeper in Fleet Street. Her death was occaſioned by her cap and hair taking fire as ſhe leaned her head upon her hand; and though the maid-ſervant gave her immediate aſſiſtance, by throwing water to extinguiſh the flames, ſhe was ſo much ſcorched as to be deprived of her ſenſes the next day, in which condition ſhe continued till ſhe died.

At Whitbeck, near Whitehaven, in Cumberland, Richard Harriſon, well known by the name of Teakettle Harriſon, many years a guide over the ſands: the ſame day died alſo his wife, and his daughter-in-law; their bodies were all interred the day following; and the next day, his ſon alſo died. Such an inſtance of mortality in one houſe is very remarkable, as the parties, till attacked by this ſickneſs, ſeemed of hale and ſtrong conſtitutions.

22. At his houſe in Roſs-ſhire, Murdo Mackenzie, Eſq; of Ardroſs.

22. At Kenſington, the Earl of Mornington, of the kingdom of Ireland.

24. At Caſtlebank, near Lanark, Mrs Bannatyne, of Caſtlebank.

24. At Roſehall, near Dumfries, Mr George Mackenzie of Netherwood.

25. Mrs Margaret Robertſon, wife of Mr Alexander Bruce merchant in Edinburgh.

PREFERMENTS.

From the London Gazette.

The King has been pleaſed,

May 5. to preſent Mr Henry Blair to the pariſh of Stony Kirk, in the ſhire of Wigton, vacant by the death of Mr John Hunter.

12. to recommend to the dean and chapter of Wincheſter, Brownlow, to be elected Biſhop of that ſee, void by the death of Dr John Thomas.

26. to preſent Mr William Garvie to the united pariſhes of Dupplin and Aberdalgie, in the ſhire of Perth, vacant by the death of Mr Thomas Rankine.

War-office,

War-office, May 5.

Independent Company of foot: Lieut. Athol Douglas, of 77th foot, is appointed to be Captain.

Independent Company of foot: Lieut. Francis Fuller, of 36th foot, to be Captain.

War-office, May 8.

1ſt foot, 1ſt bat. Capt. Oliver Nicolls to be Major, vice Abraham Nickſon; and Lieut. William Oliver Grace to be Captain, vice Oliver Nicolls.

35th foot: Brev.-Maj. William Cheſter, of 69th foot, to be Major, vice John Gillan.

69th foot: Capt.-Lieut. John Kerr to be Captain, vice William Cheſter; and Lieut. Arthur Roſs, of 35th foot, to be Captain-Lieutenant, vice John Kerr.

86th foot: Lieut. John Monkton, to be Captain, vice Horace Churchill.

96th foot: Lieut. Charles Lade, to be Captain, vice George Reynolds.

Lieut. Henry St George Cole, of 66th foot, to be Captain of an Independent Company of foot.

Lieut. Alexander Howe, of 36th foot, to be Captain of an Independent Company of foot.

Lieut. William Aſhe, of 17th foot, to be Captain of an Independent Company of foot.

War-office, May 19.

4th foot: Lieut. Nathaniel Kane to be Captain of one of the Additional Companies, vice John Cramond.

Independent Company of foot: Lieut. George Freer, of 77th foot, to be Captain.

Independent Company of foot: Lieut. James Fenwick, of 2d foot, to be Captain.

Commiſſion ſigned by his Majeſty for the Army in Ireland.

32d foot: Maj.-Gen. Ralph Earl of Roſs to be Colonel, vice Lt-Gen. William Amherſt, deceaſed.

War-office, May 26.

2d dragoon guards, Capt. Robert Hewetſon, of 21ſt dragoons, to be Captain of a troop, vice Cathcart Taylor.

10th dragoons: Capt.-Lieut. Francis Gregory, of 19th dragoons, to be Captain-Lieutenant, vice Harry Portal.

19th dragoons: Lieut. John Hare, of 6th dragoons, to be Captain-Lieutenant, vice Francis Gregory.

21ſt dragoons: Capt-Lieut. Harry Portal, of 10th dragoons, to be Captain of a troop, vice Robert Hewetſon.

1ſt foot guards: Capt. Charles Whitworth, to be Captain of a company, vice John Woodford.

Dr Thomas Clerk to be Phyſician to the Forces in North America, under the command of Sir Henry Clinton.

Patrick Connor, late Aſſiſtant Surgeon to the hoſpital at St Vincent's, to be Apothecary to the hoſpitals in the Leeward iſlands.

Prices of grain at Haddington, June 8.

	Beſt.	Second.	Third.
Wheat,	21s. 0d.	20s. 0d.	19s. 6d.
Bear,	13s. 9d.	13s. 0d.	12s. 6d.
Oats,	13s. 0d.	12s. 6d.	11s. 8d.
Peaſe,	11s. 0d.	10s. 6d.	10s. 0d.

Edinburgh, May 15. 1781. Oat-meal, 11d. Bear-meal, 7d. Peaſe-meal, 7d.

Burials in the Grayfriars church-yard, Edinburgh, in May 1781.

Males 20
Females 24
} 44. Decreaſed 4.

Age.			No	Diſeaſes.	No
Under	2		14	Aged ——	6
Between	2	& 5	4	Bowelhive —	2
	5	& 10	2	Colic ——	1
	10	& 20	2	Conſumption —	14
	20	& 30	3	Fever —	7
	30	& 40	3	Jaundice —	1
	40	& 50	4	Palſy —	1
	50	& 60	3	Small pox —	3
	60	& 70	6	Stillborn —	5
	70	& 80	2	Teething —	4
	80	& 90	1		
	90	& 100	0		

PRICES of STOCKS.

May 14. 1781.

3 per cent. Bank red. 57 3 4ths.
3 per cent. Conſ. 58 5 8ths.
4 per cent. New 1777, 73 3 4ths.
India Bonds, 15 s. Pr.
Navy and Vict. Bills, 11 7 8ths per cent.
Long Annuities, 17 3 8ths a 7 16ths.
3 per cent. Scrip. 59 1 8th.
4 per cent. ditto, 75 5 8ths.
Ann. 1778, 12 11 16ths a 7 8ths.
Lottery Tickets, 13 l. 6 s.

May 29.

South Sea Old Ann. 57 1 half.
3 per cent. Bank red. 57 5 8ths a 3 4ths.
3 per cent. Conſ. 58 1 half a 5 8ths.
4 per cent. New 1777, 73 3 4ths.
India Bonds, 9 s. a 11 s. Pr.
Navy and Vict. Bills, 11 1 half per cent.
Long Annuities, 17 5 16ths a 3 8ths.
3 per cent. Scrip. 59 1 8th.
4 per cent ditto, 75 1 half.
Omnium, 8 1 half a 3 4ths.
Ann. 1778, 12 3 4ths.
Lottery Tickets, 13 l. 5 s.